

**List of Attachments for Item No. 1**  
**1980 Tarob Court Residential Project**

**Attachments:**

- 1A City Council Resolution
- 1B Planning Commission Minutes – August 10, 2016
- 1C Planning Commission Staff Report – August 10, 2016
- 1D Planning Commission Resolution No. 16-031 and accompanying attachments
  - 1D-1 – Memorandum from Milpitas Fire Department  
(Fire Prevention Division)
  - 1D-2 – E-Mail Memorandum from Santa Clara Valley Water District
- 1E Project Plans
- 1F California Environmental Quality Act (CEQA) Analysis and Supplemental Memorandum

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING MAJOR VESTING TENTATIVE MAP NO. MT15-0013, CONDITIONAL USE PERMIT NO. UP15-0020, SITE DEVELOPMENT PERMIT NO. SD15-0015, AND ENVIRONMENTAL ASSESSMENT NO. EA16-0003 FOR THE CONSTRUCTION OF 59 TOWNHOME UNITS AND ASSOCIATED SITE IMPROVEMENTS ON 2.81 ACRES LOCATED AT 1980 TAROB COURT**

**WHEREAS**, on December 22, 2015, an application was submitted by Leah Dreger of The True Life Companies, a Delaware corporation, 12647 Alcosta Blvd., San Ramon, CA 94583, to construct 59 residential units and associated site improvements on 2.81 acres located at 1980 Tarob Court (the "Project"). The property is located within the Multiple Family – High Density Transit Oriented Development (R3/TOD) Zoning District, within the borders of the Transit Area Specific Plan (APN: 086-036-040); and

**WHEREAS**, on June 3, 2008, the City Council of the City of Milpitas approved the Transit Area Specific Plan to guide development in the Transit Area of the City near the future Milpitas BART Station; and

**WHEREAS**, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City's General Plan, Transit Area Specific Plan, Municipal Code, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in the City staff's report to the Planning Commission; and

**WHEREAS**, the Planning Division completed an environmental assessment No. EA16-0003 for the Project in accordance with the California Environmental Quality Act (CEQA), and the Planning Commission recommends that the City Council determine this Project is covered under the program of activities identified in the Transit Area Specific Plan Environmental Impact Report (EIR), SCH#2006032091, certified by the City Council on June 3, 2008, based on the CEQA finding included in this Resolution; and

**WHEREAS**, on August 10, 2016, the Planning Commission held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and adopted a resolution recommending to the City Council approval of the Vesting Tentative Map, Conditional Use Permit, Site Development Permit, and Environmental Assessment for the Project; and

**WHEREAS**, on September 20, 2016, the City Council held a duly-noticed public hearing on the Project, and considered evidence presented by City staff, the Permittee, and other interested parties.

**NOW THEREFORE**, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

**SECTION 1. Recitals.**

The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. CEQA Finding Pursuant to CEQA Guideline 15168(c)(2).**

The proposed Project is covered under the scope of activities approved under the Transit Area Specific Plan EIR, SCH#2006032091, which was certified by the Milpitas City Council on June 3, 2008. The EIR included a program of activities including construction of up to 7,109 residential units within the Transit Area Specific Plan (TASP) area. The proposed 59 residential units and residential amenity space fall within this scope of development activity contemplated in the TASP EIR. LSA Associates completed an environmental

assessment of the proposed Project to confirm the proposed Project is within the scope of the TASP EIR. The analysis found that the Project is consistent with the TASP EIR and confirmed that the Project is within the scope of development density considered under the TASP EIR. No new impacts were identified and no new mitigation measures are required. Policies and/or mitigation measures required of projects covered under the TASP EIR are included as Conditions of Approval. Pursuant to Public Resources Code section 21166 and CEQA Guidelines 15168(c)(2), the Project is except from further review under CEQA.

### **SECTION 3. Major Vesting Tentative Map Findings (Section XI-1-20.01).**

The City Council makes the following findings based on the evidence in the administrative record in support of Major Vesting Tentative Map No. MT15-0013:

1. The tentative subdivision map is consistent with the Milpitas General Plan and the Transit Area Specific Plan.

The Project site has a General Plan land use designation of High Density Transit Oriented Residential. The intent of this designation is to provide high-density housing within the Trade Zone/Montague Subdistrict at a minimum density range of 21 units per acre, and a maximum density of 40 units per acre.

The Project is consistent with this finding because the proposed Project meets the intent of the designation by providing a residential project within the district with 21 dwelling units per acre. Furthermore, the Project is consistent with the following General Plan Guiding Principle and Implementing Policies:

- *2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

The proposed Project is consistent with this policy because it includes attractive three-story buildings with 59 residential units in proximity to the future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Trade Zone/Montague Subdistrict with connections to the BART and Light Rail transportation hubs. The Project is also designed to provide an active interface with public spaces by facing townhome units toward the future public park, which will be located directly to the west of the site, across the Tarob Court right of way.

- *2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.*

The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Plan. The Project meets all guidelines and requirements of the Transit Area Plan including building setbacks and height, floor area ratio and density, parking, open space and landscaping. It also meets the requirements for access and circulation.

2. None of the findings set forth in Government Code Section 66474 apply to the proposed Project:

- *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The proposed map is consistent with the Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design and improvement of the proposed subdivision is consistent with Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The site is physically suitable for the type of development.*

The site is physically suitable for the proposed residential development because it is located within walking distance of both the new BART Station and the VTA Light Rail Station, it is across the street from the future Traverse Park and will be removed from the special flood hazard area.

- *The site is physically suitable for the proposed density of development.*

The site is physically suitable for the proposed density of development because of its proximity to transit and recreation facilities.

- *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed subdivision and improvements have been evaluated for environmental impacts as discussed in the LSA Associates, *California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California*, May 13, 2016 with a finding that no environmental impacts not already identified for the Project, which is part of the City's Transit Area Specific Plan (TASP) and the TASP Final Environmental Impact Report (FEIR), would result.

- *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

As described in the CEQA Exemption Memo above, the design of the subdivision or type of improvements is not likely to cause serious public health problems. The CEQA Exemption Memo includes analyses of potential exposure of sensitive receptors to substantial pollutant concentrations, including dust. It also includes analyses of potential exposure of people to hazardous emission, including contaminated groundwater and soil, asbestos and lead-based paint. As fully documented in the CEQA Exemption Memo, no public health problems are anticipated to arise.

- *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Access easements, including Tarob Court cul-de-sac bulb, which are proposed to be modified to accommodate the design of this subdivision will not conflict with access through or use of property within the proposed subdivision.

#### **SECTION 4. Site Development Permit Findings (Section XI-10-57.03(F)(1)).**

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD15-0015:

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project is consistent with this finding because the site is designed as nine separate three-story buildings, consistent with other projects within the Subdistrict. The design of the buildings, including the mass, scale



and height of the structures, is typical of transit-oriented development and includes additional landscaping along the streets. The buildings complement other approved and pending projects in the area, which all contribute to a vibrant urban transit district consistent with the vision of the Transit Area Specific Plan.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R-3 (Multiple Family - High Density) with a Transit Oriented Development (TOD) Overlay. The proposed residential uses are permitted in the zoning district. The Project conforms to the zoning district and meets the intent for this type of project envisioned in this area.

The Project also conforms to the TOD Overlay by providing density of 21 units per acre, which is within the 21-40 units/acre range envisioned by the TOD Overlay when combined with the R-3 Zoning District. The three-story height of the buildings is also within the standards of the TOD Overlay, where a height up to 75 feet is allowed.

The Project conforms to the development standards required in the R-3 and TOD Overlay Districts, with modest exceptions requested to the parking requirements, as permitted by TASP through approval of a CUP. The tables below and supporting text demonstrate how the Project is consistent with these development standards.

**Table 1:**  
**Summary of Development Standards**

| <b>R-3-TOD</b>                   | <b>Standard</b> | <b>Proposed</b>     | <b>Complies?</b> |
|----------------------------------|-----------------|---------------------|------------------|
| <u>Setbacks (Minimum)</u>        |                 |                     |                  |
| Front                            | 8'-15'          | 8'-15'              | Yes              |
| Side and Rear                    | 8'-15'          | 15' to 40' (varies) | Yes              |
| <u>Density (Units/Acre)</u>      | 21-40 du/ac     | 21.0 du/ac          | Yes              |
| <u>Building Height (Maximum)</u> | 75'             | 38'-5'''±           | Yes              |

**Table 2:**  
**Summary of Parking Standards**

| Unit Type                                | Number of Units | Minimum/Maximum Parking Permitted       | Minimum Spaces Required | Maximum Spaces Allowed | Spaces Provided | Conforms (Y/N)         |
|--|-----------------|---|-------------------------|------------------------|-----------------|------------------------|
| <b>RESIDENTIAL</b>                       |                 |   |                         |                        |                 |                        |
| 3 BR<br>(plans 1 & 2)                    | 22              | 1.6/2.0 per unit                        | 35                      | 44                     | 44              | --                     |
| 3 BR<br>(plans 3 & 4)                    | 17              | 1.6/2.0 per unit                        | 27                      | 34                     | 34              |                        |
| 4 BR<br>(plans 3 & 4)                    | 20              | 2.6<br>+ 1 addl for each bedroom over 4 | 52                      | 40                     | 40              |                        |
| <b><i>SUB-TOTAL:</i></b>                 |                 |   | <b>114</b>              | <b>118</b>             | <b>118</b>      | <b>Y</b>               |
| Guest                                    | --              | 20% of required residential spaces      | 23                      | --                     | 19              | Y<br>(via CUP)         |
| <b><i>RESIDENTIAL PARKING TOTAL:</i></b> |                 |   | <b>137</b>              | <b>--</b>              | <b>137</b>      | <b>Y<br/>(via CUP)</b> |

The proposed resident and guest parking substantially complies with the TASP standards, with a minor variation requested to the guest parking standards.

Per TASP Section 5-2: *Zoning Regulations*, “Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code”. The applicant is requesting a CUP to allow for a reduction in the net amount of guest spaces, as well as for the use of compact and tandem spaces. These requests are outlined in further detail, below.

*Guest Parking Reduction*

TASP specifies that guest parking is to be provided equal to 20% of the minimum required resident spaces. For this Project 23 guest spaces are required. The Project is providing 19 guest spaces, creating a shortage of four (4) guest spaces. The applicant proposes to compensate for these missing spaces by providing more than the required spaces in the garages of their three-bedroom units. These units require a total of 62 spaces, however the applicant is providing 78 spaces, a difference of 16 spaces.

*Compact/Tandem Spaces*

Per TASP Table 5-1: *Development Standards*, the use of tandem and compact parking may also be allowed through the approval of a CUP. Tandem parking is proposed in eleven of the units, representing 19% of the required residential parking. Three (3) of the guest spaces are proposed as compact spaces, representing 16% of the total guest spaces.

TASP Section 5-2 also requires deviations from the Plan to provide a public/community benefit to offset said deviations. As their public/community benefit the applicant has agreed to provide a payment of \$622,839 in order to offset their parking exception requests.

*3. The Project is consistent with the Milpitas General Plan.*

The Project is consistent with the Milpitas General Plan in that the Project, as proposed and conditioned, conforms to the density and land use envisioned by the Plan. In addition, see the general plan consistency findings set forth in Section 3 above in support of issuance of the Major Vesting Tentative Map.

*4. The Project is consistent with the Transit Area Specific Plan.*

The Project is consistent with the Transit Area Specific Plan in that the Project, as proposed and conditioned, conforms to the street layout, street section, density and land use envisioned by the Trade Zone/Montague Subdistrict of the Plan.

**SECTION 5. Conditional Use Permit Findings (Section XI-10-57.04(F)).**

The City Council makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP15-0020:

*1. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

The Project is consistent with this finding because the reduction in guest parking spaces and the allowance of tandem and compact parking will not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or welfare the general public. Rather, such parking designs allow the project type to be of an appropriate density within the TASP sub-district while promoting the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

*2. The Project is consistent with the Milpitas Zoning Ordinance.*

The use of tandem and compact parking and a reduction in guest parking are permitted by the Zoning Ordinance, subject to a Conditional Use Permit in order to analyze potential impacts to the public. Further, Per TASP Section 5-2: *Zoning Regulations*, “Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code”.

*3. The Project is consistent with the Milpitas General Plan.*

The reduction in guest parking spaces and the allowance of tandem and compact parking, allows this Project to meet General Plan Land Use criteria because it allows the Project to attain a higher density as envisioned by the General Plan Land Use Element.

*4. The Project is consistent with the Transit Area Specific Plan.*

The Project is consistent with this finding because the land use, density and street designs are within the parameters set forth in the Transit Area Specific Plan (TASP). The use of tandem and compact parking, as well as a reduction in guest parking, are permitted by the TASP subject to a Conditional Use Permit in order to analyze potential impacts to the public.

The TASP also requires that the following two findings be made as a part of the CUP approval process:

1. *The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.*

Reduction of guest parking and the use of compact and tandem spaces has no negative impact on site architecture, landscaping or site planning integrity, as permitting these uses actually has the beneficial impact of creating more space on-site for open space with landscaping that would otherwise be deleted in order to create additional guest parking spaces. Permitting these revised parking standards also adheres to the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.*

The Project is consistent with this finding because the reduction in guest parking spaces and use of tandem and compact parking, in this instance, will be offset by a contribution from the applicant of \$622,839, intended to offset their parking exception requests.

#### **SECTION 6. City Council Approval.**

Based on the foregoing, the City Council hereby approves Major Vesting Tentative Map No. MT15-0013, Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, and Environmental Assessment No. EA16-0003, based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1 and incorporated herein.

#### **SECTION 7. Notice.**

Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

## EXHIBIT 1

### CONDITIONS OF APPROVAL

**Major Vesting Tentative Tract Map No. MT15-0013,  
Site Development Permit No. SD15-0015,  
Conditional Use Permit No. UP15-0020 and  
Environmental Assessment No. EA16-0003  
1980 Tarob Court Project (APN: 086-036-040)**

#### General Conditions

1. General Compliance. The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Major Vesting Tentative Map No. MT15-0013, Conditional Use Permit No. UP15-0020, Site Development Permit No. SD15-0015 and Environmental Assessment No. EA16-0003 (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorders Office and a copy provided to the Planning Department. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.
2. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the Project. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(P)**
3. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:
  - a. Completes a foundation associated with the Project; or
  - b. Dedicates any land or easement as required from the zoning action; or
  - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
4. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
5. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**
6. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition.

7. Conditions. Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Permittee is operating the Project under the permits and approvals in this Resolution.
8. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CA/P/E/B)**
9. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including, but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Map No. MT15-0013, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.
10. Certificate of Insurance. Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies.
11. Revocation, Suspension, Modification. This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.
12. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.
13. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and approval by the Fire Department. **(F)**
14. Permittee shall develop the approved Project in conformance with the approved plans approved by the City Council, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review, and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

#### **Site Development Permit Conditions**

15. Landscape. All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance. **(P)**
16. Parking. Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of two garage spaces per townhome unit. Tandem spaces are permitted in 11 of the townhome units. Nineteen (19) guest parking spaces, including one van accessible handicap space and 4 compact spaces, shall be provided onsite. **(P)**
17. Community Benefit for Exceptions to Parking Standards. TASP Section 5-2 requires deviations from the Plan to provide a public/community benefit to offset said deviations. As their public/community benefit the Permittee has agreed to provide a payment of \$622,839 in order to offset their parking exception requests.
18. Bicycle Racks. A minimum of seven (7) short-term bicycle parking spaces consistent with the TASP Streetscape Elements shall be installed within the Project. **(P)**
19. Architecture. Project Architecture shall be as depicted on the Building Elevations sheets as approved by the City Council. **(P)**
20. Trees. The Project will remove 44 trees and replace with 146 trees, in conformance with the plans approved by City Council. No protected or heritage trees, as defined by MMC X-2-7: Tree Protection and Heritage Tree Program, will be removed. **(P)**
21. Street Lights. Permittee shall provide street lighting along all street frontages consistent with current Transit Area Specific Plan standards subject to the review and approval of the Planning Division. Permittee shall likewise install pedestrian scale lights along all public and private street frontages. The Permittee shall submit a photometric plan to determine appropriate light levels with submittal of on-site improvement plans. **(P)**
22. Tandem Parking Spaces. Permittee shall insure that all future residents are aware that space in garages must be maintained so as to allow the parking of two (2) vehicles at all times. This may be accomplished by including this provision within the CC&Rs. **(P)**
23. Fourth Bedroom Option Limitation. The total number of optional fourth bedrooms that may be constructed or converted in the dwelling units within the proposed Project shall be limited to twenty (20). Conversion will only be permitted upon demonstration of compliance with the provision of all parking required by the Transit Area Specific Plan at time of building permit application. This condition shall also be included in the Covenants, Conditions and Restrictions (CC&Rs) of the Homeowner's Association (HOA) with total optional fourth bedroom units to be limited to twenty (20) in the entire Project. **(P)**
24. Public Art Requirement. Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. **(P)**
25. Affordable Housing/Inclusionary/Impact Fee Requirement: In recognition of the need for affordable housing within the City and as further described in Resolution No. 8491 adopted by the City Council on June 16, 2015, Permittee shall participate in an inclusionary affordable housing plan, or similar fair and appropriate mechanism to support affordable housing, if established by the City Council in the future, by: (1) providing five percent (5%) of all newly constructed dwelling units in the residential development as very low-income or low-income to be developed and offered as affordable housing to very low-income and low-income households; or (2) prior to building permit issuance, pay a fee in-lieu of all or some of the inclusionary units, should an inclusionary housing plan, or similar fair and appropriate mechanism, be established by City Council. The amount of in-lieu fee to be paid shall be the lesser the amount of (i) the amount in effect pursuant to the implementing City Council ordinance or resolution at the time full payment

is made to the City at the time of building permit issuance, or (ii) the amount equivalent to five percent (5%) of the construction value as determined by the Building Department. In the event the nexus study initiated by the City supports less than five percent (5%) levels of affordable housing, this condition shall only require affordable housing commitment at rates supported by the nexus study on and after such time as that study is completed and adopted by City Council. **(P)**

## **REQUIRED PROJECT DESIGN FEATURES**

### **Biological Resources (TASP Policy 5.26)**

26. Nesting Birds. To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Services (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required. **(P)**

### **Noise (TASP Policy 5.10)**

27. Noise. Prior to issuance of any building permit, Permittee shall ensure that the Project will meet the required 45 dBA maximum interior noise standard. All noise insulation treatments identified during review of the final site plans shall be incorporated into the proposed Project to the extent required by California Building Code. **(B/P)**
28. Noise. Prior to issuance of any building permit, Permittee shall demonstrate that all residential units will require mechanical ventilation to allow the windows to remain closed at the residents' option as the interior noise standards would not be met with open windows. Typically, such a system must meet the following airflow provisions:
- i. If interior noise levels are met by requiring that windows remain unable to open or closed, the design for the structure must also specify a ventilation system to provide a habitable interior environment. The ventilation system must not compromise the dwelling unit noise reduction.

### **Air Quality (TASP Policy 5.16)**

29. Dust Control Emissions. During the construction of the Project, Permittee shall comply with all of the following:
- i. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas and unpaved roads) shall be watered two times per day.
  - ii. All haul trucks transporting soil, sand or other loose material off the site shall be covered.
  - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or more often if determined necessary by City Engineer or designee. The use of dry power sweeping is prohibited.
  - iv. All vehicle speeds on unpaved roads shall be limited to 15 MPH.
  - v. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.



- vi. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - vii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - viii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **(P)**
30. **ROG Emissions.** Prior to issuance of any building permit, Permittee shall develop, submit and obtain approval from the City of a plan to reduce ROG emissions by 17 percent or greater during the architectural coating phase of the construction. Acceptable measures to achieve this goal include, but are not limited to, using paint that contains 125 grams per liter of VOC or less, the use of pre-fabricated building materials, or a combination of both. The plan shall be implemented as approved by the City. **(P)**

#### **Cultural Resources (TASP Policies 5.34 and 5.35)**

31. Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines §15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources (Reference CEQA §§21083.2, 2.1084.1.). In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC), which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods. **(P)**
32. All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Division shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted. **(P)**

#### **Engineering Department Conditions**

##### **33. PRIOR TO CONSTRUCTION PLAN SUBMITTALS**

The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. **(E)**

- a. **Modifications:** The Site Development Plan dated May 11, 2016 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
- b. **Solid Waste and Recycling Handling Plan:** Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The Permittee is proposing single-family style solid waste services. The following

requirements must be met to be eligible for single-family style service: provide a map identifying dedicated set-out locations for all units, demonstrate minimum truck turning access is provided, and identify a service route that does not require the collection vehicles to back up. The Home Owners Association (HOA) shall be responsible for procuring and paying for the solid waste service.

- c. Stormwater Control Plan: Permittee shall submit third party certified final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
- d. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along Tarob Court and public trail area that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.
- e. Recycle Water Cross-Connection Specialist: In order to comply with the California Code of Regulations Title 17 and 22, and for timely plan approval by the California State Water Resources Control Board/Division of Drinking Water as well as by the South Bay Water Recycling, Permittee must hire a certified cross-connection specialist for their consultation as to irrigation water system design and construction phasing. The name and contact information of the certified cross-connection specialist shall be provided on all submittal plans.
- f. Submittal Requirements: Permittee shall ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
- g. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the Project. The amount shall be at 10% of the public improvement cost estimates as prepared by the Permittee's engineer.

#### 34. PRIOR TO FINAL MAP APPROVAL/RECORDATION

The following conditions shall be addressed during the final map plan check process and shall be met **prior to** any final approval/recording (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)

- a. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, public access easement and other public easements deemed necessary for the Project.
- b. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the Project.
- c. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map
- d. Tarob Court Right-of-Way Abandonment: This Project is subject to abandonment of a portion of the existing Tarob Court cul-de-sac bulb as part of the final map to support the ultimate development condition as illustrated on the proposed tentative map dated June 24, 2016.
- e. Street Name Approval: Permittee shall obtain recommended approval from the City's Facilities and Street Naming Subcommittee based upon City guidelines, for final approval by the City Council.
- f. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
- g. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, AT&T Broadband/Comcast) for abandonment of existing and dedication of new public service utilities easements.
- h. Demolition of Existing Buildings: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.
- i. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (including certificate of insurance).

- j. Home Owners Association (HOA): Permittee shall submit a preliminary draft of the proposed conditions, covenants, and restrictions (CC&Rs) for City's review and approval. Membership of the HOA shall include all owners of the residential units. The HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and private streets and shall have assessment power. The HOA shall manage and maintain the onsite water, recycled water, irrigation, storm, water quality treatment, and sewer systems and implement the Solid Waste Handling Plan. This information shall be clearly included in the CC&Rs to be recorded with the Santa Clara Recorder's Office.
- k. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2008-1, and agree to pay the special taxes levied by the CFD 2008-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding. (E)

35. PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)

- a. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with current Milpitas design guidelines, (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>), standard drawings and specifications, (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/plans-maps-specifications/>) and Americans with Disabilities Act (ADA) requirements, where applicable.
- b. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design and allocation of discharge for each of the lateral.
- c. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
- d. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. The Project site shall be served by the SCVWD Zone 1.
- e. Utility Protection: All existing public utilities shall be protected in place, or if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
- f. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below, including incidental improvements as required by the City as part of the encroachment permit.
  - i. Obtain City Engineer's approval of the new Tarob Court street alignment and transition from industrial street section to residential street section as required by the TASP standards [Figure 5-9] and demonstrate an interim public turnaround access within the Tarob Court Project.
  - ii. Recycled Water Supply Main – Permittee shall install a recycled water supply main in Tarob Court along the Project frontage to a point approximately 60 feet south of the Project's south boundary. Permittee shall install recycled water service line for the Project site with irrigation system connected to the new recycle water line. Permittee shall also provide an interim plan for irrigation system connection to the potable water system.
  - iii. Installation of separate water service tap and meter for each of the following services: residential,

irrigation, and fire.

- iv. Installation of Type II slurry seal along the Tarob Court frontage to the west gutter line.
- g. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.
- h. Maintenance Agreement: Permittee shall record a Maintenance Agreement for perpetual maintenance of certain public improvements mutually agreed between the City and the Permittee.
- i. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
- j. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, Permittee shall obtain an encroachment permit with insurance requirements for all public improvements, including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

36. PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)

- a. Final Map Recordation: Permittee shall record the final map.
- b. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).
- c. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
- d. Recycle Water Approval: Permittee shall use recycled water for landscape irrigation purposes. Permittee shall comply with California Code of Regulations (CCR), Title 22, Division 4, Chapter 3, titled "*Water Recycling Criteria*"; CCR, Title 17, Division 1, Chapter 5, Subchapter 1, titled "*Drinking Water Supply*"; and all other recycled water regulations as listed under the publication titled "*California Department of Public Health Regulations Related to Recycled Water June 18, 2014*". Permittee shall obtain approval from the California State Water Resources Control Board/Division of Drinking Water, South Bay Water Recycling and the City for recycled water design, including but not limited to on-site irrigation design, based upon South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. All landscape plants shall be compatible with recycled water.
- e. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 (Water Efficient Landscapes) for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
- f. Dewatering. If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
- g. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc. Guidelines can be found at <http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>
- h. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
  - i. What materials will be salvaged.
  - ii. How materials will be processed during demolition.

- iii. Intended locations or businesses for reuse or recycling.
- iv. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

- i. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.
- j. Flood Plain Management: This Project is in the Flood Zone "AO" with 1 foot average flood depth, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15.
- k. Development Fees. Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
  - i. Transit Area Specific Plan fee at \$32,781/unit for residential uses. Based on approval for development of 59 units, the estimated Transit Area Specific Plan Development Impact Fee for this Project is \$1,934,079 (\$32,781/unit x 59 units).
  - ii. Parkland: Per the table below and based on the proposal of 59 units at the site, the Project is required to dedicate 0.51 acres of parkland, equivalent \$1,421,798 fees-in-lieu. The park portion of the TASP fee is valued at \$864,230, equivalent to 0.32 acres. This will be applied to the Project parkland requirement. The applicant is also dedicating 0.12 acres of public parkland on-site, valued at \$334,541, and will receive credit for up to 0.07 acres of private recreation space on site at the discretion of the City, valued at \$223,027. When all of these contributions are considered, the Project meets all parkland dedication/fee requirements, as outlined in the table below:

|  |   |
|--|---|
| 1980 Tarob Court Unit Count                              | 59  |
| 1980 Tarob Court Population Estimate                     | 147 persons                                       |
| TASP Parkland Requirement                                | 3.5 acres/1,000 people or equivalent fees-in-lieu |
| <b>PARKLAND ACREAGE DUE/FEE EQUIVALENT</b>               | <b>0.51 acres/\$1,421,798</b>                     |
| Amount Satisfied Through TASP Fees (Acreage/Dollars)     | 0.32 acres/\$864,230                              |
| <b>REMAINING DELTA TO BE SATISFIED (Acreage/Dollars)</b> | <b>0.19 acres/\$557,568</b>                       |
| Public Parkland Acreage to be Dedicated on Final Map     | 0.12 acres/\$334,541                              |
| Private Recreation Acreage Approved by City              | 0.07 acres/\$223,027                              |
| <b>TOTAL ACREAGE/FEES PROVIDED</b>                       | <b>0.19 acres/\$557,568</b>                       |
| <b>REMAINING ACREAGE/FEE REQUIREMENT TO BE MET</b>       | <b>\$0</b>  |
| <b>BALANCE OF PARKLAND ACREAGE/FEES DUE</b>              | <b>\$0</b>  |

Parkland fees-in-lieu will be required for any balance of parkland requirements not met through the means outlined above, to the satisfaction of the Directors of Planning and Engineering. Credit for public parkland dedication or private recreation greater than what is required shall not be given against any other fees or payments.

- iii. Storm water connection fee at \$16,771/acre for residential.
- iv. Water connection fee at \$1,164/unit for residential, based upon increased water usage.
- v. Sewer connection fee at \$1,406/unit for residential, based upon increased average wastewater flow.
- vi. 2.5% of applicable fees in accordance with City Resolution No. 7590 as Permitting Automation Fee.
- vii. FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.

37. DURING CONSTRUCTION

The following conditions shall be complied with at all times **during** the construction phase of the Project, unless otherwise approved by the Director of Engineering/City Engineer. (E)

- a. On-site Recycle Water Coordination: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling.
- b. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
- c. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.
- d. Elevation Certificates: Permittee's civil engineer shall complete and submit all necessary FEMA Elevation Certificates to the City at different stages of the construction, if applicable.

38. PRIOR TO FIRST OCCUPANCY

The following conditions shall be met **prior to** first building occupancy on any lot, unless otherwise approved the Director of Engineering/City Engineer.

- a. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to Tarob Court, frontage improvements along Tarob Court, bicycle and pedestrian improvements and public trail, as shown on City approved plans.
- b. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department.
- c. LOMR-F: Permittee shall submit the FEMA approved LOMR-F for each unit/building associated with the requested occupancy.
- d. Elevation and/or Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and/or Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.
- e. Landscape Certificate: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
- f. Certificate of Cross-Connection: Permittee shall ensure that the cross-connection specialist complete the required recycled water construction inspection checklist, cross connection test results and any special inspection checklist as required by the South Bay Recycling Program <http://www.sanjoseca.gov/index.aspx?NID=1595> and forward them to the City.
- g. Record Drawings: Permittee shall submit record drawings in pdf format for City records.

- h. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

#### **Other Conditions**

39. Fire Department Conditions: Permittee shall comply with all Milpitas Fire Department conditions specified in the January 15, 2016 Memorandum from Jaime Garcia, Fire Protection Engineer to Neal Martin, Planner, attached as Attachment A and made a part of this Resolution.
40. Santa Clara Valley Water District Conditions: Permittee shall comply with all Santa Clara Valley Water District conditions specified in the email dated January 26, 2016 from Samuel Yung to Neal Martin regarding the 1980 Tarob Court development, attached as Attachment B and made a part of this Resolution.
41. Mailboxes: Permittee shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may be required as a result of the Building, Engineering and Planning Divisions review. (P)
42. Electric Vehicle Charging Facilities: Permittee shall:
- offer each buyer the option of installation of an electric vehicle charging facility in the garage of each townhome and,
  - install wiring for one future electric vehicle charging station in the guest parking area of the project, should it be determined that such wiring is reasonably feasible to install in this location. (P)

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(CA) = City Attorney

(MM) = Mitigation Measure

(PC) = Planning Commission

#### **ATTACHMENTS**

Attachment A: Milpitas Fire Department Memorandum from Jaime Garcia, Fire Protection Engineer to Neal Martin, *Subject: True Life Companies-Tentative Map for 61 Townhome Style Units 1980 Tarob Court*, January 15, 2016.

Attachment B: Santa Clara Valley Water District email from Samuel Yung to Neal Martin, *Subject: 1980 Tarob Ct. Development*, January 26, 2016.

#### **NOTICE OF RIGHT TO PROTEST**

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Pursuant to Condition No. 37(k) contained herein, prior to any building permit issuance, Permittee shall pay the applicable Transit Area Specific Plan Development Impact Fee of \$1,934,079 for 59 residential units (\$32,781

per unit). This Fee shall be subject to annual adjustments as provided for in Section 9 of City Council Resolution No. 8344.

**AGREEMENT**

*Permittee/Property Owner*

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_





**MILPITAS FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

**455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3365, FAX (408) 586-3378**

## MEMORANDUM

DATE: January 15, 2016

TO: Neal Martin, Planner

FROM: Jaime Garcia, Fire Protection Engineer

Cc: Albert Zamora, Deputy Fire Chief

SUBJECT: TRUE LIFE COMPANIES – TENATIVE MAP FOR 61 TOWNHOME STYLE UNITS  
1980 TAROB COURT  
P-SD15-0015, P-UP15-0020, P-MT15-0013  
(PJ #: 1194) – Review based on plans CITY RECEIVED: Dec. 22, 2015

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The plans for the aforementioned project have been returned to the Planning Division. The Fire Department has the following notes.

### NOTES TO APPLICANT

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**The notes listed below will apply to ALL buildings/projects, unless specifically identify for one particular building/project.**

1. Please do not consider this review an approval for construction from the Fire Department. The plans submitted are not reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). These notes are a general list of the applicable code requirements, but not limited to, and are provided to assist with the construction permit process.
2. To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or report(s). CFC Section 104.7.2
3. Fire Department access. Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. CFC Section 503
  - a. A Minimum of two independent and approved (approved by the Fire Code Official) means of fire apparatus access shall be provided for the site. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760m<sup>2</sup>) shall be provided with at least two means of fire apparatus access for each structure. 2012 International Fire Code, Section D104.1, adopted and amended by MMC V-300-2.154

- b. For multi-family multiple-family residential projects having more than 50 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. Section D106.1 of the 2012 International Fire Code, amended by MMC V-300-2.157
- c. Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (centre). CFC Section 503
- d. Fire apparatus access roads shall provide a minimum clear width of 26 feet. This requirement is for the use and function of a fire ladder apparatus. International Fire Code, Appendix D, Sections D103.1 and D105, adopted and amended by Milpitas Municipal Code. MMC V-300-2.153 and 2.156

Townhome style buildings: 22 feet in width drive is acceptable, provided the structures above provides a continuous clear finish dimension of not less than 26 feet centered on the drive. Note, fire apparatus turning and access requirements noted herein this document shall be met.

- e. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1. When there is a dead-end condition, means for fire apparatus turn-around shall be provided.
- f. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. CFC Section 508.3, added by MMC V-300-2.48
- g. Fire access roads shall be paved (concrete and/or asphalt cement, no other material is accepted). Fire apparatus access roads/lanes and emergency vehicle roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Design criteria shall be based on the City of Milpitas fire apparatus Sutphen S95 Aerial Platform unit. Please contact the Fire Prevention Division if specifications are needed. CFC Section 503.2.3
- h. Ground structures (including landscape) and building projections shall not encroach or impede the fire apparatus access requirements. CFC Section 503.4
- i. Emergency Vehicle Access (EVA) roads, when required, shall meet the fire department site access requirements specified herein this document. CFC Section 503

- j. No parking in fire access roads. The required access road shall be designated and clearly marked as a fire lane. The designated fire lane shall be identified as set forth in Section 22500.1 of the Vehicle Code. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". CFC Section 503.3

Minimum marking shall be pole signage and red curb with "FIRE LANE" stencil. Signage and red curbs shall be done throughout and as needed to clearly identify the no parking zones.

- k. Fire Protection. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. Combustible construction shall not begin until water mains and hydrants are operational and fire apparatus access roads are installed (paved). CFC Section 501.4
- l. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

4. Fire Protection Water Supply (hydrants, on-site and public).

- a. An approved water supply (hydrants on-site and public) capable of supplying the required fire flow for fire protection shall be provided upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply shall meet the Fire Code and the City of Milpitas Engineering Division water supply guidelines and the CFC Section 507, Appendix B and Appendix C. Fire flow reduction as noted in the Appendix B of the Fire Code is not permitted.
- b. Water System Calculations, sheet C5.0. Private fire service mains and appurtenances shall be designed and installed in accordance with the City of Milpitas Engineering design guideline requirements and the NFPA 24. Design calculations and all the necessary design information for the water system to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. CFC Section 507

The minimum water flow at the worst case hydrant outlet within the private system shall be not less than 2.500 gpm.

- c. Civil sheet C5.0. The location and quantity of hydrants will be evaluation during the construction permit process. This applies to the on-site private streets as well as to the public streets. CFC Section 507.5
- d. Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. CFC Section 507.5.7, added by MMC V-300-2.54

- e. No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514. Provide striping per CA Vehicle Code 22500.1. CFC Section 507.5.4.
5. Fire service water laterals for building sprinkler systems.
- a. Each building shall have a fire service water laterals for the automatic fire sprinkler system and shall meet the California Fire Code requirements Chapter 9 and the NFPA applicable Standards. Note, the utilities drawings provided are not reviewed nor approved for construction. CFC Section 912.1
  - b. The location of the FDC's/PIV's (fire department connection/post indicator valve) shall be at a readily accessible location off the fire access road and approved by the Fire Code Official. FDC's/PIV's shall not be located behind parking stalls nor behind any other obstruction. Final review for location for the FDC's/PIV's will be conducted during the construction permit process. CFC Section 912.3
  - c. FDC/PIV Signage. A metal sign with raised letters at least 1 inch in size shall be mounted on all fire department connections. Signage shall be reflective, weather resistive and approved by the Fire Code Official. CFC Section 912.4
  - d. Backflow Protection. Potable water supply to the automatic sprinkler and/or the standpipe systems shall be protected against backflow as required by the Health and Safety Code section 13114.7 and the City of Milpitas Utilities Engineering Division. CFC Section 912.5
  - e. Fire service water supply laterals for the sprinkler systems and the on-site fire hydrants shall be independent of each other. NFPA 13, Chapter 23
  - f. Automatic fire sprinkler riser location. The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance. California Fire Code Section 903.3.5.3, added by MMC Section V-300-2.65
6. Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.5, added by MMC Section V-300-2.51
7. Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505

The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9

8. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.52
9. Fire Dept. emergency Key Box (Knox Box, Knox locks, Knox electric switches, etc). The Fire Code Official is authorized to require a key box(es) to be installed in an approved location(s) if necessary for life-saving or fire-fighting purposed. Quantify and location shall be as directed by the Fire Code Official. CFC Section 506

Locked mechanical closets, fire alarm closets, sprinkler riser closets, etc. will need a Fire Dept. approved lock or "Knox" key box.

10. Building/Structure Requirements.

- a. The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 or NFPA 13R Standards. System type will depend on building/structure "construction type" analysis. California Fire Code Section 903.3
- b. All valves controlling the water supply for the automatic sprinkler system shall be electrically supervised by a listed fire alarm control unit. CFC 903.4
- c. Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station. CFC Section 903.4.1
- d. Portable fire extinguishers shall be selected, installed and maintained in accordance with CFC Section 906.
- e. All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Sprinkler system design shall include the proposed method for drainage of sprinkler system discharge. Storm Water Pollution Regulations
- f. Group R-2. A fire alarm system and smoke alarms shall be installed in Group R-2 Occupancies as required in Sections 907.2.9.1 through 907.2.9.2. CFC Section 907.2.9  
CFC Section 907.2.9.1 - Manual Fire Alarm System  
CFC Section 907.2.9.2 - Smoke Alarm (in accordance with 907.2.11)
- g. R-2 Occupancy, listed single and multiple-station smoke alarms complying with UL217 shall be installed in accordance with Sections 907.2.11.2 through 907.2.11.4 and the NFPA 72. CFC Section 907.2.11
- h. In Group R-2 required by Section 907 to have a fire alarm system, all dwellings units and sleeping units shall be provide with the capability to support visible alarm notification appliances in accordance with NFPA 72. CFC 907.5.2.3.4
- i. Fire alarm system(s) shall be zoned as per the requirements of the CFC Sections 907.6.3 and 907.6.4.
- j. Fire alarm panel (or fire alarm annunciator panel) shall be located in a readily accessible location and shall be provided with the necessary access and working clearance as required by the CA

Electrical Code. CFC Section 907.6.3.1.1

- k. Fire alarm monitoring (Approved supervising station - UL, or FM approved). Fire alarm systems required by the Fire Code or by the California Building Code shall be monitored by an approved supervising station in accordance with the NFPA 72. CFC 907.6.5
- 11. Landscape sheets. The proposed landscaping may be impacted by the comments above and the requirements for fire access, fire systems and devices (such as apparatus access, hydrants, fire service lines, fire department connections valves, etc.). The Fire Dept. reserves the right to relocate, delete or change the proposed landscaping when in conflict with fire systems and devices. CFC 507.5.4
- 12. Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 901.2

**Subject:** RE: City of Milpitas—1980 Tarob Ct (District File 33239)  
**From:** Samuel Yung (SYung@valleywater.org)  
**To:** vmartin5@pacbell.net;  
**Cc:** sfleming@ci.milpitas.ca.gov;  
**Date:** Tuesday, January 26, 2016 3:16 PM

Hi Neal,

The following are our comments regarding the 1980 Tarob Ct development:

The proposed development within the existing flood plain should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. Due to the changes to the grades and building footprint, a flood plain analysis delineating the post development flood plain depth and lateral extent should be submitted for review by the City's Floodplain Manager and the District. The site grading must be designed to allow for the passage and storage of flood water within the site.

Sheet C4.0 Preliminary Grading Drainage Plan: Please clarify who will be responsible for the retaining wall. In general, the retaining wall should also be set back from the property line to allow for maintenance (repairs, graffiti removal, etc,...) by the HOA/City without having to enter the District's property.

Sheet L001: The canopy of any trees / shrubs along the landscape strip between the trail and retaining wall along the creek should not extend past the property line at maturity as this will inhibit the District's use of large equipment during creek maintenance.

Sheet L001: To maintain ecological compatibility and ensure genetic specificity, plant species native to the local watershed should be used in the landscape design. Alternatively, non invasive ornamentals with no potential to cross pollinate with local native species along the watershed can be used. This is more critical in the areas along the Penitencia East Channel. The site's landscaping should be designed consistent with the "Guidelines and Standards for Land Use Near Streams" (see Design Guide 2-6) developed by the Water Resources Protection Collaborative which the City of Milpitas was part to and adopted.

Sheet L001: Lighting from the development should not extend into the riparian creek corridor.

Sheet L002: Section AA shows the retaining wall within the District's right of way. The retaining wall, including its footing, must be located outside the District's property.

Thanks for the opportunity to comment on the project. If you have any questions, please feel free to call or email me.

**Samuel Yung, P.E.**

Santa Clara Valley Water District

5750 Almaden Expressway

San Jose, CA 95118-3686

ph: (408)630-3174

fax: (408)979-5635

## MEETING MINUTES

### MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, August 10, 2016

- |  |   |
|--|---|
| <b>I. PLEDGE OF ALLEGIANCE</b>             | <b>Chair Mandal</b> called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.  |
| <b>II. ROLL CALL/ SEATING OF ALTERNATE</b> | <p><b>Commissioners</b></p> <p><b>Present:</b> Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Morris, Lien, Maglalang</p> <p><b>Absent:</b> Mohsin</p> <p><b>Staff:</b> Bradley Misner, Katy Wisinski, Michael Fossati, Neal Martin, Cecilia Jaroslowsky</p>                     |
| <b>III. PUBLIC FORUM</b>                   | <b>Chair Mandal</b> invited members of the audience to address the Commission and there were no speakers.   |
| <b>IV. APPROVAL OF MEETING MINUTES</b>     | <p><b>Chair Mandal</b> called for approval of the July 27, 2016 meeting minutes of the Planning Commission.</p> <p><b>Motion</b> to approve Planning Commission meeting minutes.</p> <p>Motion/Second: Commissioner Sandhu/Commissioner Maglalang</p> <p>AYES: 7</p> <p>NOES: 0</p> <p>ABSTAIN: 0</p> |
| <b>V. ANNOUNCEMENTS</b>                    | <p>Planning Director Brad Misner said the resolution for Item VIII-1 was revised and a new copy was on the dais for each commissioner.</p> <p>Chair Mandal announced that he will not be present at the August 24<sup>th</sup> meeting.</p>   |
| <b>VI. CONFLICT OF INTEREST</b>            | <p><b>Deputy City Attorney Katy Wisinski</b> asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.</p> <p>There were no reported conflicts.</p>   |
| <b>VII. APPROVAL OF AGENDA</b>             | <p><b>Chair Mandal</b> asked if staff or Commissioners had changes to the agenda and there were none.</p> <p><b>Motion</b> to approve the August 10, 2016 agenda as submitted.</p>  |



Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

## **VIII. CONSENT CALENDAR**

### **VIII-1**

**PARCEL MAP – 1830 McCandless Drive – P-MT16-0002:** A request for a parcel map entitlement that includes, but is not limited to, an adjustment of an existing property line, vacating a portion of public cul-de-sac, and the offering of a street dedication for public use for a 10.9 acre site located at 1830 McCandless Drive.

**Motion** to Adopt Resolution No. 16-030 approving Parcel Map MT16-0002.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

## **IX. PUBLIC HEARING**

### **IX-1**

**1980 TAROB COURT – P-SD15-0015; P-MT15-0013; P-UP15-0020; P-EA16-0003:** A request for recommendation to City Council for approval of a Site Development Permit, Vesting Tentative Map, Conditional Use Permit and Environmental Assessment for 59 for-sale residential units on a 2.6 acre site within TASP.

Project Planner Neal Martin showed a presentation describing the project.

Commissioner Ciardella is concerned with having industrial buildings adjacent to the project and Mr. Martin said the plan is for them to be converted to residential in the fairly near future.

Vice Chair Madnawat questioned the request for a Conditional Use Permit (CUP) when there seems to be sufficient parking. Mr. Martin said there are three deviations: a CUP is required any time tandem parking is proposed, there are three compact spaces in the guest parking area, and there is a reduction in the amount of guest parking spaces. He said the developer wishes to provide two parking spaces within each unit and the project meets the parking standards.

Commissioner Maglalang had questions regarding the property behind the project and along Lundy Street. Mr. Misner said the four purple shaded lots in the presentation are all within the TASP; however, when the plan was developed they were left with an industrial classification.

Commissioner Maglalang is worried about homeowners having concerns with the noise and asked about the boundary between the residential project and the industrial lots behind it. Mr. Martin said there will be a four foot high retaining wall and a fence along the boundary between them.

Chair Mandal noted that the project site will be approximately four feet above its present elevation to remove it from the special flood hazard area and asked if

adjacent property owners have objections. Mr. Martin said that as the residential properties are developed they will all be raised in a similar manner and eventually be at the same elevation.

Chair Mandal asked if low income housing will be provided and Mr. Martin said there is a condition that requires the applicant to either provide low income housing in accordance with the city ordinance or pay an in-lieu fee.

Commissioner Ciardella expressed concern with transients accessing the homes from Penitencia Creek.

Leah Dreger, Director of Entitlements for The True Life Companies, showed a PowerPoint presentation.

Ms. Dreger said this is the first project to move forward in this particular area and there will be some retaining walls until other developments raise their grades out of the flood zone as well. The property boundary along Penitencia Creek will have a four foot retaining wall with a six foot open view fence, and on the east side there will be a four foot retaining wall with a six foot masonry wall on top of it and no view toward Lundy at this time.

Vice Chair Madnawat asked if the art and affordable housing fees will go into a separate account or in to the general fund. Mr. Misner said he believes that as it relates to afford housing there will be a separate fund for the creation of affordable housing down the road. For public art, the developer can provide an on-site art installation that is equivalent to the percentage and/or contribute a fee. The city would establish a separate account and identify areas throughout the city where public art installations could occur and the fees would help fund those installations.

Vice Chair Madnawat would like the developer to offer buyers the option for an electric vehicle charging station in each garage.

Commissioner Maglalang said the official City tree is Jacaranda and he would like to see more than two of them placed in a prominent location. Roman Desoto of R3 Studios said the options they have for the Jacaranda trees are limited due to a number of water treatment features that are required for projects and these trees do not grow well in water treatment facilities. They are trying to find the best locations based on the eventual size and maturity, and separation from utilities and buildings. Right now there are two locations that may work and he can possibly find three or four locations.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Morris

AYES: 7

NOES: 0

Vice Chair Madnawat wants to add a condition that the developer offer buyers the option for one electric vehicle charging station in each garage and asked that staff work with the applicant on the feasibility of adding a charging station to the guest parking area.

**Motion** to Adopt Resolution No. 16-031 recommending approval of Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Vesting Major Tentative Map No. MT15-0013 and Environmental Assessment EA16-0003 to the City Council, subject to the attached Conditions of Approval, with an added condition that the developer offer buyers the option for one electric vehicle charging station in each garage.

Motion/Second: Vice Chair Madnawat/Commissioner Morris

AYES: 7

NOES: 0

**IX-2**

**91 MONTAGUE EXPRESSWAY – P-SD13-0020; P-UP13-0021; P-MT13-0008; P-EA16-0005:** A request for recommendation to City Council for approval for a Site Development Permit, Conditional Use Permit, and a Tentative Tract Map to allow construction of 72 residential condominium units on approximately 1.794 acres in five, detached, four-story structures, all connected by a common hallway and a shared, below-grade garage with associated site improvements.

Project Planner Cecilia Jaroslowsky said there was an attachment to the Resolution which was not included in the commissioner binders and one was provided for each commissioner.

Ms. Jaroslowsky showed a presentation describing the project.

Commissioner Maglalang referenced a slide in the presentation regarding the trees in the landscape plan. Although the applicant is amenable to including Jacaranda trees, the landscape architect indicated they are not cold tolerant and proposed other trees for the project, including the Crepe Myrtle. Commissioner Maglalang said temperatures in the city rarely drop to freezing, the City Council agreed to designate the Jacaranda tree as the official city tree, and he would like one planted at the entryway or another prominent location.

Applicant Manou Movassate was present to address questions.

Vice Chair Madnawat asked the applicant about public art on the site and Mr. Movassate said he said he was not aware of the public art requirement. Vice Chair Madnawat also asked him about electric vehicle charging stations and he said he will provide them. Vice Chair Madnawat noted that parking is all located underground and requested that staff work with the applicant to determine the appropriate number of electric vehicle charging stations in the parking garage.

Commissioner Ciardella asked if public art is a requirement for this project and Mr. Misner noted condition of approval number 53 which requires a public art contribution.

Commissioner Maglalang wants the word Milpitas included on the entryway sign.

Chair Mandal opened the public hearing and there was one speaker. A resident that lives behind the project location said she strongly opposes this project because of the traffic on Montague Expwy. She said this is an overly congested area and this project will create more traffic, she will lose quality sleep hours due to the early morning

construction, and she is concerned with the construction noise because she works from home.

**Motion** to close the public hearing.

Motion/Second: Commissioner Ciardella/Commissioner Sandhu

AYES: 7

NOES: 0

Chair Mandal asked if a traffic analysis was completed for this project. Scott Davidson with MIG said there was an EIR prepared for the Midtown Specific Plan which included extensive traffic analysis and this project was reviewed by the City's traffic division to confirm the local circulation function was adequate. Additionally, a supplemental analysis was prepared of potential environmental effects to the project, which included an analysis of traffic, and all of those considerations were factored into the recommendation.

Commissioner Ciardella asked what time construction can occur and Mr. Misner said the construction hours permissible by city code are 7:00 AM to 7:00 PM within the Midtown Specific Plan.

Mr. Misner said this project is within the Midtown Specific Plan and under the master environmental impact report that was prepared when the plan was done it was envisioned that there would be a certain amount of improvements that will help with traffic flow and circulation throughout the area as development occurs.

There was discussion regarding access on Ede Lane. Mr. Movassate said the Fire Department changed the project plans and they will demolish a portion of the wall and create a gate for emergency vehicle access. Civil Engineer David Voorhies said Ede Lane is a private road and there are no rights to use it although fire access was provided.

Commissioner Maglalang requested adding conditions of approval for a Jacaranda tree at the entryway and the word Milpitas on the project sign. Ms. Wisinski noted that the sign, which includes Milpitas, is included in the project approval and it was agreed that it was unnecessary to add it as a condition.

**Motion** to Adopt Resolution No. 16-028 recommending approval of Site Development Permit SD13-0020, Conditional Use Permit UP13-0021, Tentative Tract Map MT13-0008 and Environmental Assessment EA16-0005 to the City Council, subject to the attached Conditions of Approval, with added conditions to plant a Jacaranda tree at the entryway and that staff work with the applicant to determine the appropriate number of electric vehicle charging stations in the parking garage.

Motion/Second: Commissioner Morris/Commissioner Ciardella

AYES: 6

NOES: 1 Sandhu

Commissioner Sandhu said he is opposed to the project due to safety concerns of residents entering and exiting the complex.

**X. NEW BUSINESS**

**NO ITEMS**

**XI. ADJOURNMENT**

The meeting was adjourned at 8:55 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*



## MILPITAS PLANNING COMMISSION STAFF REPORT

August 10, 2016

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|                            |  |
|----------------------------|--|
| <b>APPLICATION:</b>        | <b>1980 TAROB COURT (THE TRUE LIFE COMPANIES) – Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Vesting Tentative Map No. MT15-0013 and Environmental Assessment No. EA16-0003 – A request for approval of a Site Development Permit, a Conditional Use Permit, a Vesting Tentative Map for condominium purposes and an Environmental Assessment for the construction of 59 townhomes and associated site improvements including the demolition of a light industrial building.</b> |
| <b>RECOMMENDATION:</b>     | <b>Staff recommends that the Planning Commission adopt Resolution No. 16-031 recommending approval of Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Vesting Major Tentative Map No. MT15-0013 and Environmental Assessment EA16-0003 to the City Council, subject to the attached Conditions of Approval.</b>   |
| <b>LOCATION:</b>           |  |
| Address/APN:               | 1980 Tarob Court (APN 086-036-040)   |
| Area of City:              | Transit Area Specific Plan (TASP)  |
| <b>PEOPLE:</b>             |  |
| Project Applicant:         | Leah Dreger, Entitlement Manager, The True Life Companies  |
| Consultant(s):             | Scott Prickett, SDG Architects<br>Wood Rodgers, Civil Engineers  |
| Property Owner:            | SNB, LLC   |
| Project Planner:           | Neal Martin, Contract Planning Consultant  |
| <b>LAND USE:</b>           |  |
| General Plan Designation:  | High Density Transit Oriented Residential (HD-TOR)   |
| Zoning District:           | Multiple Family - High Density (R-3)   |
| Overlay District:          | Transit Oriented Development (TOD)   |
| Specific Plan:             | Transit Area Specific Plan (TASP)  |
| TASP Land Use Designation: | High Density Transit Oriented Residential (HD-TOR)   |
| Site Area:                 | 2.81 acres (2.60 acres plus 0.21 acre R/W abandonment)   |

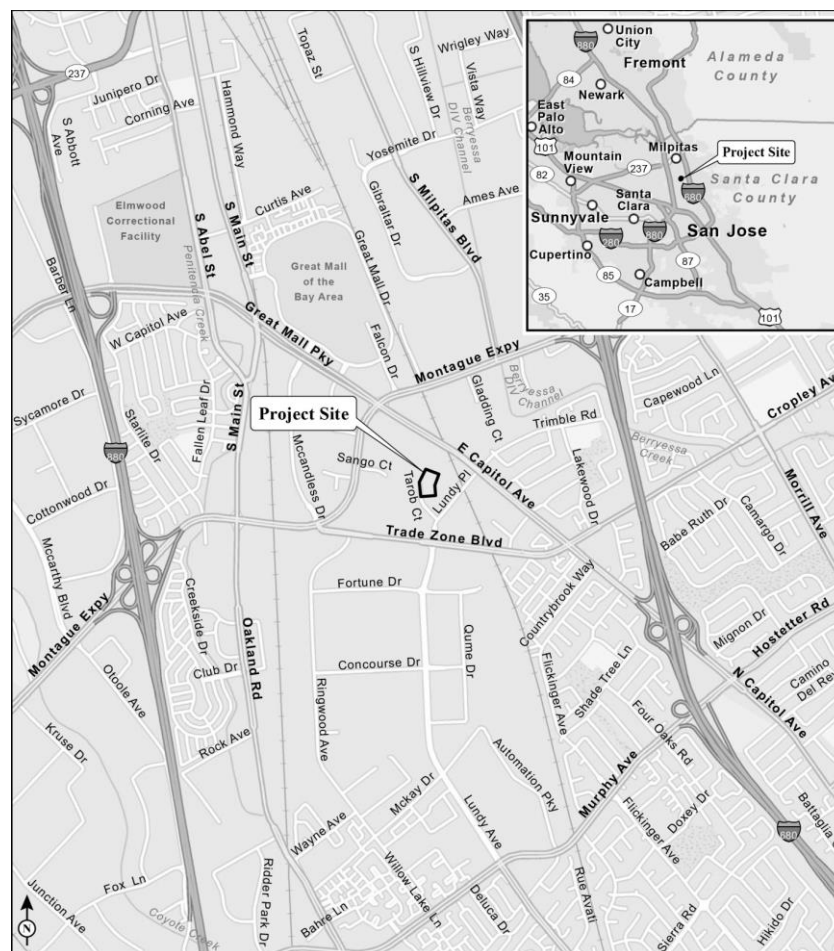
**ENVIRONMENTAL:** Categorically exempt from further environmental review pursuant to Section 15168(c)(2) of the California Environmental Quality Act (CEQA). This project is consistent with the program addressed by the Transit Area Specific Plan EIR.

## **EXECUTIVE SUMMARY**

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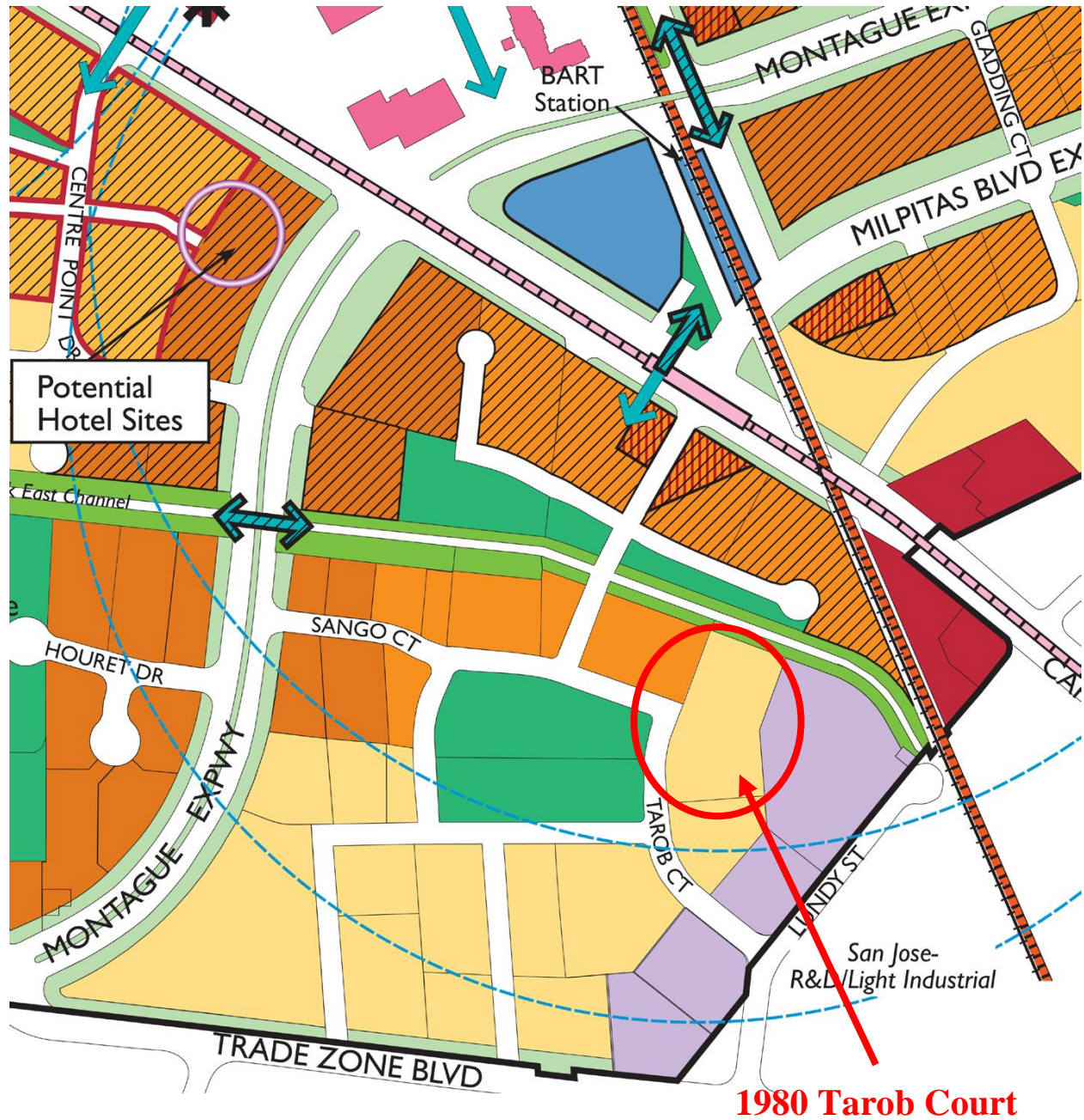
The proposed project includes entitlement requests for the construction of 59 new townhome units. Parking would be provided onsite with the inclusion of two covered, attached parking spaces per unit, as well as 19 additional guest parking spaces onsite. The project also includes a variety of site improvements including new private streets within the development; streetscape and landscape improvements along Tarob Court; Penitencia Creek East Trail dedication and improvements; and stormwater treatment, utility, grading and other associated site improvements. The project would require approval of a Site Development Permit, a Conditional Use Permit, a Vesting Major Tentative Map and Environmental Assessment.

### **Map 1** **Project Location**



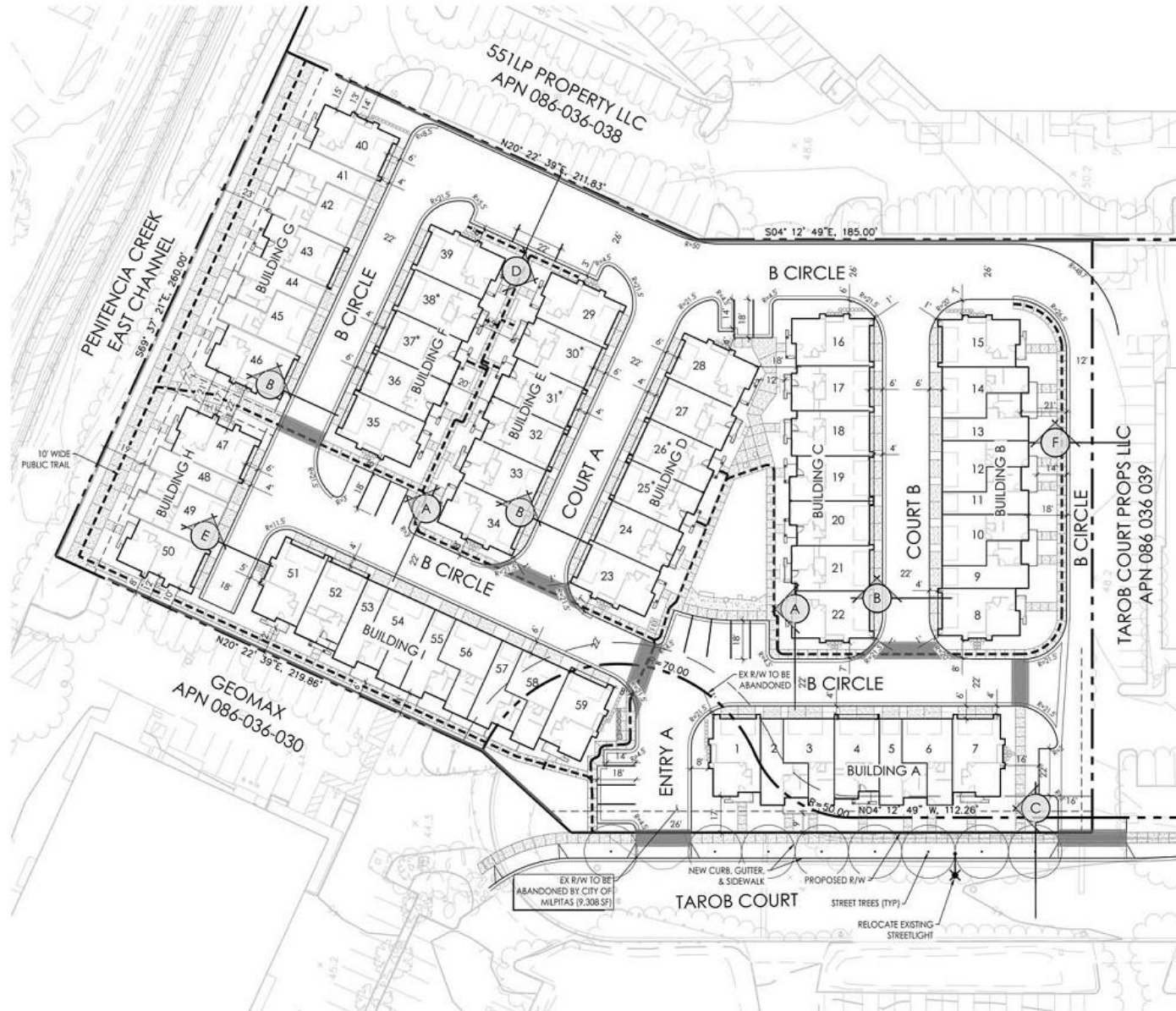
Project Location and Regional Vicinity Map

**Map 2**  
**Transit Area Specific Plan**  
**Trade Zone/Montague Sub district**





### Map 3 Site Plan



NOTE:  
ALL DIMENSIONS TO FACE OF CURB UNLESS NOTED  
OTHERWISE.

#### ACCESSIBILITY NOTES

\* DENOTES ACCESSIBLE UNIT

--- DENOTES ACCESSIBLE ROUTE OF TRAVEL

## BACKGROUND

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### *History*

On June 3, 2008, the City Council adopted the Transit Area Specific Plan (TASP). The Plan encompasses 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial park space, and 350 hotel rooms. The plan includes development standards and goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The proposed project is within the Trade Zone/Montague Sub-District of the TASP. The sub-district is located east of Montague Expressway and south of Capitol Avenue, extending to the city limits on Trade Zone Boulevard and Lundy Street. For the sub-district, the TASP envisioned an attractive residential area, with ample green space in the form of a sports field and a creekside park with trails along Penitencia Creek. Capitol Avenue and Montague Expressway are intended to be flanked by mid-rise and high-rise mixed use buildings that will buffer lower density residential uses from noise. The sub-district is also extremely convenient for transit users, as it is located directly adjacent to the BART station and VTA light rail.

### *The Application*

The following is a summary of the applicant's request:

- *Site Development Permit*: To evaluate the site layout and architecture for the project.
- *Major Tentative Map*: To establish 59 residential condominium spaces, common areas, easements, and six subdivided parcels of land; each encompassing a building cluster.
- *Conditional Use Permit (CUP)*: To allow the use of tandem and compact parking, as well as a reduction in the number of guest parking spaces, as permitted by TASP via the CUP process.
- *Environmental Assessment*: Approving the analysis of the project in accordance with the California Environmental Quality Act (CEQA).

## PROJECT DESCRIPTION

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### *Overview*

The proposed project includes entitlement requests for the construction of 59 new townhome units. Parking would be provided onsite with the inclusion of two covered, attached parking spaces per unit, as well as 19 additional guest parking spaces onsite. The project also includes a variety of site improvements, including new private streets within the development; streetscape and landscape improvements along Tarob Court; Penitencia Creek trail dedication and improvements; and stormwater treatment, utility, grading and other associated site improvements.

### *Location and Context*

The site contains 2.60 acres and is located on the east side of Tarob Court. As a part of the TASP-envisioned roadway plan for the sub-district, Tarob Court will be redesigned to residential

standards. As a result of this, a 0.21 acre portion of the Tarob Court cul-de-sac bulb is proposed to be abandoned and added to the project site, increasing the site area to 2.81 acres.

The project site is zoned Multiple Family-High Density (R3). The project site has a Transit Oriented Development (-TOD) Overlay focusing on treatment of projects near transit nodes. The site is currently occupied by an approximately 46,500 square foot vacant light industrial/office building that is proposed for demolition.

A proposed 5-acre park is envisioned by the TASP and predicated upon future private development of surrounding properties. The park would be located across Tarob Court west of the project site, and the Penitencia Creek East Channel borders the project site on the north side. In the future, Tarob Court is proposed to turn west at the existing cul-de-sac bulb and connect with Sango Court. A new residential street is proposed to connect Sango Court/Tarob Court to Capitol Avenue at the Milpitas Boulevard extension, thereby providing access across the creek to the VTA station and the BART station.

## PROJECT ANALYSIS

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### ***General Plan and Zoning Conformance***

#### ***General Plan Conformance***

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

**Table 1:**  
**General Plan Consistency**

| <b>Policy</b>   | <b>Consistency Finding</b>   |
|---|--|
| <i>2.a.1-31: Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.</i> | <b>Consistent.</b> The project as proposed and conditioned conforms to the TASP land use plan, provides pedestrian connections, and includes streets and public spaces that support a distinctive identity for the Trade Zone / Montague sub-district. |
| <i>2.a.1-32: Require development in the Transit Area to conform to the adopted design guidelines and requirements contained in the Transit Area Plan.</i>   | <b>Consistent.</b> The project as proposed and conditioned conforms to the street layout, street sections, density and land use contained in TASP.   |

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### Zoning Conformance

The site, including the requested vacated right-of-way, is 2.81 acres zoned Multiple Family - High Density-Transit Oriented Development (R3-TOD) (21 min/40 max units per acre). The project is consistent with the City's Zoning Map and Standards as set forth in the attached Resolution #16-031. Adherence to other development standards, including density, are described in the Transit Area Specific Plan section below.

### Subdivision Ordinance

The project is consistent with the provisions in Title XI, Chapter 1, Section 4, Tentative Maps of the City's Municipal Code regarding the form, content and dedications of the tract map as set forth in the attached Resolution #16-031. Tentative Tract Maps require a recommendation from the Planning Commission in the form of a resolution to the City Council for their ultimate approval.

### Transit Area Specific Plan

The proposed project's land use, street layout and street sections are consistent with the Transit Area Specific Plan's Trade Zone/Montague sub-district as set forth in the attached Resolution #16-031. The allowable density range for this TASP land use designation is 21-40 units/acre. At 59 units, this development falls in the lower end of this range, at 21 units/acre.

All projects in the TASP area are required to pay a Transit Area Development Impact Fee (TASP Fee), which is currently set at \$32,781/residential unit. The project is proposing development of 59 units, which would generate \$1,934,079 in required TASP fees.

### ***Development Standards***

The table below demonstrates how the project is consistent with the development standards of the Multiple Family High Density (R3-TOD) zoning district.

**Table 2:**  
**Summary of Development Standards**

| <b>R-3-TOD</b>       | <b>Standard</b> | <b>Proposed</b>     | <b>Complies?</b> |
|----------------------|-----------------|---------------------|------------------|
| Setbacks (Minimum)   |                 |                     |                  |
| Front                | 8'-15'          | 8'-15'              | Yes              |
| Side and Rear        | 15'             | 15' to 40' (varies) | Yes              |
| Density (Units/Acre) | 21-40 du/ac     | 21.0 du/ac          | Yes              |
| Building Height      | 75'             | 38'-5"±             | Yes              |

### Parks and Open Space

TASP requires all new development to provide 3.5 acres of parkland for every 1,000 persons or payment of fees-in-lieu, as permitted by Article 3, Section 66477 of the Subdivision Map Act (also known as the Quimby Act) and as codified by the City of Milpitas at Milpitas Municipal Code Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for*

*Recreational Purposes*). Based on the proposal of 59 units at the site, the project is required to dedicate 0.52 acres of parkland, equivalent to approximately \$1.42 M (\$1,421,798).

Additionally, as mentioned above, all projects in the TASP area are required to pay a Transit Area Development Impact Fee (TASP Fee), a portion of which is used for park and recreation purposes within the TASP area. The park portion of the TASP fee for this project is valued at \$864,808, equivalent to 0.32 acres of parkland, and will be applied to the project's \$1.42M parkland requirement.

Finally, the applicant is dedicating 0.12 acres of public parkland on-site, valued at \$334,541, meeting their requirement under TASP Policy 3.57, whereby all properties along the trail network are to set aside land for the trails. Upon receipt of detailed private recreation plans and at the discretion of the City, the project will also receive credit for up to 0.07 acres of private recreation space on site, as is allowed by MMC Section XI-1-9 referenced above. This acreage is valued at \$223,027.

Through the means discussed above, the project meets the required parkland requirements. Table 3 outlines this information in a visual format.

**Table 3:**  
**Summary of Adherence to Parkland Requirements**

|  |   |
|--|---|
| 1980 Tarob Court Unit Count                              | 59  |
| 1980 Tarob Court Population Estimate                     | 147 persons                                       |
| TASP Parkland Requirement                                | 3.5 acres/1,000 people or equivalent fees-in-lieu |
| <b>PARKLAND ACREAGE DUE/FEE EQUIVALENT</b>               | <b>0.51 acres/\$1,421,798</b>                     |
| Amount Satisfied Through TASP Fees (Acreage/Dollars)     | 0.32 acres/\$864,230                              |
| <b>REMAINING DELTA TO BE SATISFIED (Acreage/Dollars)</b> | <b>0.19 acres/\$557,568</b>                       |
| Public Parkland Acreage to be Dedicated on Final Map     | 0.12 acres/\$334,541                              |
| Private Recreation Acreage Approved by City              | 0.07 acres/\$223,027                              |
| <b>TOTAL ACREAGE/FEES PROVIDED</b>                       | <b>0.19 acres/\$557,568</b>                       |
| <b>REMAINING ACREAGE/FEE REQUIREMENT TO BE MET</b>       | <b>\$0</b>  |
| <b>BALANCE OF PARKLAND ACREAGE/FEES DUE</b>              | <b>\$0</b>  |

### ***Site & Architectural Design***

The Site Development Permit considers the site layout, compliance with various development standards and the architectural design of the buildings.

#### **Site Layout**

The project site is accessible from Tarob Court, an existing cul-de-sac that runs northwest from its intersection with Lundy Street. TASP envisions a reconfiguration of this street network, and a 0.21 acre portion of the cul-de-sac bulb adjacent to the 1980 Tarob Court site is proposed to be abandoned and added to the project site. In the future, Tarob Court is proposed to turn west at the existing cul-de-sac bulb and connect with Sango Court. That street extension would occur as part of the development of the property to the west of 1980 Tarob Court and the 5-acre park. Interior private loop streets provide access to the residential units within the project.

#### **Street Setbacks**

TASP includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees, landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. The townhome setbacks as proposed conform to the street section dimensions set forth in the TASP.

#### **Height**

The maximum building height in the zone is 75 feet. The project proposes an approximately 38'-5" height for the townhome buildings, which conforms to the height limit.

#### **Block Dimension**

The Transit Area Specific Plan indicates a 500-foot maximum distance between publicly accessible paths of travel for a block. The maximum distance between publicly accessible paths of travel for this project would be 260 feet and therefore complies with the standard.

#### **Architecture and Massing**

The proposed architecture is a contemporary craftsman style, grounded by wide stucco columns juxtaposed against lightweight wood siding and shingled hip roofs and shed dormers. Wood-framed post-and-beam porches provide reference to Bay Area architecture and establish a human scale at the entries. From all elevations, the result is a composition of vertical massing that blends together varied roof forms, deeply recessed openings, and warm wood siding. A condition of approval requires the use of materials and architectural details to differentiate the individual units.

#### **Density**

The R3-TOD zoning district and TASP HD-TOR land use designation provide a density range of 21 to 40 dwelling units per acre (du/ac). The proposed density for the 1980 Tarob Court project is 21 du/ac, which is consistent with both the Zoning Ordinance and the TASP.

#### **Design Guidelines**

The design guidelines include both general design guidelines and specific standards to guide future development within the Transit Area. These design guidelines cover site planning,

building design and landscaping and lighting. Examples of how the project complies with the guidelines include:

- *Site Planning*
  - Buildings face streets
  - Site plan provides for attractive, comfortable and safe pedestrian environment
  - Site plan provides for adequate fire apparatus and solid waste pickup
  - Site plan recognizes and complements creek frontage
- *Building Design*
  - Complies with height, setback and zoning requirements
  - Quality architectural design
- *Landscaping*
  - Provision of interior landscaped open space and perimeter landscaping
  - Provision of street trees in accord with TASP standards
- *Lighting*
  - Direct lighting to appropriate surfaces and minimize glare onto adjacent areas
  - Designed to reinforce pedestrian character

The project conforms to the guidelines.

### ***Landscaping & Open Space Design***

#### **Landscaping and lighting**

The project provides a combination of soft and hardscape in both public and private areas. See sheets L001 and L011 of the plans for the illustrative landscape plan, plant palette, site furnishings and details

#### ***Public areas***

A 0.12 acre portion of the site is proposed to be dedicated as public open space. This will be provided as a 10 foot wide public trail along the bank of Penitencia Creek along the northern boundary of the property, within a 20 foot wide recreational easement. This dedication is consistent with TASP Policy 3.41 regarding parkland dedication, Policies 3.54 and 3.47 regarding trail development along Penitencia Creek, TASP Figure 3-7 outlining trail width, and the Milpitas Bikeway Master Plan.

#### ***Private areas***

Private areas include 0.19 acres containing both landscaping and hardscape. There are also 0.396 acres of other private open space and landscaping including a variety of landscape and bio-detention features. Each unit is provided with a private deck of approximately 60 or more square feet.

#### ***Trees***

Per Sheet L001--*Overall Site Plan*, the applicant proposes to remove 44 existing trees on site. These trees will be replaced with 146 new trees, including two (2) *Jacaranda Mimosifolia*. Due to the TASP-required street realignment in this area and the requirement to raise the site out of the flood plain, existing trees on site cannot be retained.

### *Lighting*

The applicant is required to submit a lighting plan, including a photometric study, with the building permit application.

### ***Parking***

#### ***Resident and Guest Parking***

The proposed resident and guest parking substantially complies with the TASP standards, with a minor variation requested to the guest parking standards, outlined below. Table 3 and the supplemental text, below, demonstrates the project's compliance with the parking standards for the zoning district.

**Table 3**  
**Project Compliance with Parking**

| Unit Type                                | Number of Units | Minimum/Maximum Parking Permitted           | Minimum Spaces Required | Maximum Spaces Allowed | Spaces Provided | Conforms (Y/N)         |
|--|-----------------|---|-------------------------|------------------------|-----------------|------------------------|
| <b>RESIDENTIAL</b>                       |                 |   |                         |                        |                 |                        |
| 3 BR<br>(plans 1 & 2)                    | 22              | 1.6/2.0<br>per unit                         | 35                      | 44                     | 44              | --                     |
| 3 BR<br>(plans 3 & 4)                    | 17              | 1.6/2.0<br>per unit                         | 27                      | 34                     | 34              |                        |
| 4 BR<br>(plans 3 & 4)                    | 20              | 2.6<br>+ 1 addl. for each<br>bedroom over 4 | 52                      | 40                     | 40              |                        |
| <b><i>SUB-TOTAL:</i></b>                 |                 |   | <b>114</b>              | <b>118</b>             | <b>118</b>      | <b>Y</b>               |
| Guest                                    | --              | 20% of<br>required                          | 23                      | --                     | 19              | Y<br>(via CUP)         |
| <b><i>RESIDENTIAL PARKING TOTAL:</i></b> |                 |   | <b>137</b>              | <b>--</b>              | <b>137</b>      | <b>Y<br/>(via CUP)</b> |

TASP indicates that a minimum of 114 and a maximum of 118 resident parking spaces are permitted for the project, based on bedroom count (TASP Table 5-3: *Minimum Parking Requirements*). The project is providing 118 resident spaces, meeting the minimum requirement, and falling within the allowable range.



*Conditional Use Permit (CUP) Request for Reduction in Guest Parking and Approval of Compact/Tandem Spaces and Related Public/Community Benefit*

Per TASP Section 5-2: *Zoning Regulations*, “Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code”. The applicant is requesting a CUP to allow for a reduction in the net amount of guest spaces as well as for the use of compact and tandem spaces. These requests are outlined in further detail, below.

*Guest Parking Reduction*

TASP specifies that guest parking is to be provided equal to 20% of the minimum required resident spaces. For this project 23 guest spaces are required. The project is providing 19 guest spaces, creating a shortage of four (4) guest spaces. The applicant proposes to compensate for these missing spaces by providing more than the required spaces in the garages of their three-bedroom units. These units require a total of 62 spaces, however the applicant is providing 78 spaces, a difference of 16 spaces.

*Compact/Tandem Spaces*

Per TASP Table 5-1: *Development Standards*, the use of tandem and compact parking may also be allowed through the approval of a CUP. Tandem parking is proposed in eleven of the units, representing 19% of the required residential parking. Three (3) of the guest spaces are proposed as compact spaces, representing 16% of the total guest spaces.

TASP Section 5-2 also requires deviations from the Plan to provide a public/community benefit to offset said deviations. As their public/community benefit the applicant has agreed to provide a payment of \$622,839 in order to offset their parking exception requests.

*Bicycle Parking*

For residential uses within the TASP, long-term bicycle parking is required to be provided at a rate of one space for every four housing units, exempting units with a private garage. As the project proposes entirely private garages, no separate bicycle parking is required for residents. For guests, the TASP requires short-term bicycle parking spaces equivalent to 5% of the automobile spaces required. This equates to seven (7) short-term bicycle spaces for guests. The project complies with the requirement by providing seven (7) spaces. Four (4) spaces are located adjacent to Building D, near the development entrance, and an additional three (3) are located adjacent to Building H, next to the Penitencia Creek East Trail.

***Floodplain Management and Grading***

The project site is located in a FEMA special flood hazard area AO (1FT), indicating an average flood depth of one foot during flooding conditions throughout the flood hazard zone. In order to remove the site from the AO flood hazard zone, the applicant proposes to import earth material and fill the site to an elevation approximately four feet above its present elevation. Retaining walls will be constructed along the north, east and west (to a point of intersection with Tarob Court) property boundaries. Slopes are proposed in front of Buildings A and B bringing the grade down to the existing elevation. Steps are proposed up from existing grade to provide access to the townhouses. This work will remove the site

from the special flood hazard area. However, the Milpitas Municipal Code also requires that the proposed development not increase the 100-year flood water surface elevation on surrounding properties by more than one foot. In order to comply with this requirement, the south end of the property will not be raised and will provide sufficient cross-section to pass the flood waters without increasing the 100-year flood water surface elevation on surrounding properties by more than one foot.

### ***Tract Map***

The project includes a Vesting Tentative Subdivision Map for Condominium Purposes to accommodate six new lots and 59 airspace condominiums. Each lot is proposed to accommodate one or two buildings, each containing from four to nine dwelling units.

### ***Off-site Improvements***

The overall development concept of the TASP includes a 5-acre park on the west side of Tarob Court across from the 1980 Tarob Court development project. TASP fees from this and other projects will be used to support development of the park. The 1980 Tarob Court development project will be responsible for reconstruction of Tarob Court, its adjacent sidewalk and curb-cuts, to residential street standards, as part of the conditions of approval.

In addition, a condition of project approval requires the project to install a recycled water supply main in Tarob Court along the project frontage to a point approximately 60 feet south of the project's south boundary. The project will install a recycled water service line for the project site with irrigation system connected to the recycle water line with an interim plan for connection to the potable water system.

## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

### ***Major Vesting Tentative Map (Section XI-1-20.01)***

- 1. The project is consistent with the Milpitas General Plan.*

The project site has a General Plan land use designation of High Density Transit Oriented Residential. The intent of this designation is to provide high-density housing within the Trade Zone/Montague Sub district at a minimum density range of 21 units per acre, and a maximum density of 40 units per acre.

The Project is consistent with the Milpitas General Plan because the proposed Project meets the intent of the designation by providing a residential project within the district with 21.0 dwelling units per acre. Furthermore, the project is consistent with the following General Plan Guiding Principle and Implementing Policies:

- *2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

The proposed Project is consistent with this policy because it includes attractive three-story buildings with 59 residential units in proximity to the future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Trade Zone/Montague Sub district with connections to the BART and Light Rail transportation hubs. The project is also designed to provide an active interface with public spaces by facing townhome units toward the public park.

- *2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Specific Plan.*

The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Specific Plan. The project meets all guidelines and requirements of the Transit Area Specific Plan, including building setbacks and height, floor area ratio and density, parking (with issuance of a Conditional Use Permit for tandem and compact spaces), open space and landscaping. It also meets the requirements for access and circulation.

2. *None of the findings set forth in Government Code Section 66474 apply to the proposed project.*

- *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The proposed map is consistent with the Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design and improvement of the proposed subdivision is consistent with Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The site is physically suitable for the type of development.*

The site is physically suitable for the proposed residential development because it is located within walking distance of both the new BART Station and the VTA Light

Rail Station, it is across the street from the future Traverse Park and will be removed from the special flood hazard area.

- *The site is physically suitable for the proposed density of development.*

The site is physically suitable for the proposed density of development because of its proximity to transit and recreation facilities.

- *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed subdivision and improvements have been evaluated for environmental effects as discussed in the LSA Associates, *California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California*, May 13, 2016 with a finding that no environmental impacts not already identified for the project, which is part of the City's Transit Area Specific Plan (TASP) and the TASP Final Environmental Impact Report (FEIR), would result.

- *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

As described in the CEQA Exemption Memo above, the design of the subdivision or type of improvements is not likely to cause serious public health problems.

- *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Access easements, including Tarob Court cul-de-sac bulb, which are proposed to be modified to accommodate the design of this subdivision will not conflict with access through or use of property within the proposed subdivision.

#### ***Site Development Permit (Section XI-10-57.03(F)(1))***

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project is consistent with this finding because the site is designed as nine separate three-story buildings, consistent with other projects within the Sub district. The design of the buildings, including the mass, scale and height of the structures, is typical of transit-oriented development and includes additional landscaping along the streets. The buildings complement other approved and pending projects in the areas, which all

contribute to a vibrant urban transit district consistent with the vision of the Transit Area Specific Plan.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R-3 (Multiple Family - High Density) with a Transit Oriented Development (TOD) Overlay. The proposed residential uses are permitted in the zoning district. The Project conforms to the zoning district and meets the intent for this type of project envisioned in this area.

The Project also conforms to the TOD Overlay by providing density of 21.0 units per acre, which is within the 21-40 units/acre range envisioned by the TOD Overlay when combined with the R-3 Zoning District. The three-story height of the buildings is also within the standards of the TOD Overlay, where up to seven stories in height is allowed.

3. *The project is consistent with the Milpitas General Plan.*

See the general plan consistency discussion set out above in support of issuing the Major Tentative Map.

4. *The project is consistent with the Transit Area Specific Plan.*

The project is consistent with this finding because the proposed project's land use and street layout are consistent with the Plan's Trade Zone-Montague sub district.

***Conditional Use Permit (Section XI-10-57.04(F))***

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

The project is consistent with this finding because the reduction in guest parking spaces and the allowance of tandem and compact parking will not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or welfare of the general public. Rather, such parking designs allow the project type to be of an appropriate density within the TASP sub-district while promoting the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The use of tandem and compact parking is permitted by the Zoning Ordinance, subject to a Conditional Use Permit in order to analyze potential impacts to the public. Further, Per TASP Section 5-2: *Zoning Regulations*, "Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code".

3. *The project is consistent with the Milpitas General Plan.*

The reduction in guest parking spaces and the allowance of tandem and compact parking, in this instance, allows the development of this project to meet General Plan Land Use criteria because it allows the project to attain a higher density as envisioned by the General Plan Land Use Element and the Transit Area Specific Plan.

4. *The project is consistent with the Transit Area Specific Plan.*

The project is consistent with this finding because the land use, density and street designs are within the parameters set forth in the Transit Area Specific Plan (TASP). The use of tandem and compact parking is permitted by the TASP, subject to a Conditional Use Permit in order to analyze potential impacts to the public.

The TASP also requires that the following two findings be made as a part of the CUP approval process:

1. *The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.*

Reduction of guest parking and the use of compact and tandem spaces has no negative impact on site architecture, landscaping or site planning integrity, as permitting these uses actually has the beneficial impact of creating more space on-site for open space with landscaping that would otherwise be deleted in order to create additional guest parking spaces. Permitting these revised parking standards also adheres to the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.*

The project is consistent with this finding because the reduction in guest parking spaces and use of tandem and compact parking, in this instance, will be offset by a contribution from the applicant of \$622,839, intended to offset their parking exception requests.

## **ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further environmental review pursuant to Section 15168(c)(2) of the CEQA Guidelines because staff determined that the project is consistent with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council.

## **PUBLIC COMMENT/OUTREACH**

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Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on July 29, 2016. Notices were sent to 1,028 owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

## **CITY COUNCIL REVIEW**

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This project requires review by the City Council and is tentatively scheduled on its September 20, 2016 agenda, contingent upon the result of the public hearing before the Planning Commission.

## **CONCLUSION**

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The proposed project is substantially consistent with the Transit Area Specific Plan in terms of land use and density, and conforms to the previously-approved street layout. The product type complements the other proposed developments within the Trade Zone-Montague Sub district. The project is consistent with the minimum density requirements for the zoning districts.

## **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing
2. Adopt Resolution No. 16-031 recommending approval of Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Major Vesting Tentative Map No. MT15-0013 and Environmental Assessment EA16-0003 to the City Council, subject to the attached Conditions of Approval

## **ATTACHMENTS**

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A: Resolution 16-031/COAs

B: Project Plans

C: LSA Associates, *California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California*, May 13, 2016

D: LSA Associates, *Addendum Memo dated July 7, 2016*

**RESOLUTION NO. 16-031**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MAJOR VESTING  
TENTATIVE MAP NO. MT15-0013, CONDITIONAL USE PERMIT NO. UP15-0020,  
SITE DEVELOPMENT PERMIT NO. SD15-0015 AND ENVIRONMENTAL  
ASSESSMENT NO. EA16-0003 FOR THE CONSTRUCTION OF 59 TOWNHOME  
UNITS AND ASSOCIATED SITE IMPROVEMENTS ON  
2.81 ACRES LOCATED AT 1980 TAROB COURT**

**WHEREAS**, on December 22, 2015, an application was submitted by Leah Dreger of The True Life Companies, a Delaware corporation, 12647 Alcosta Blvd, San Ramon, CA 94583, to construct 59 residential units and associated site improvements on 2.81 acres located at 1980 Tarob Court (the "Project"). The property is located within the Multiple Family – High Density Transit Oriented Development (R3/TOD) Zoning District, within the borders of the Transit Area Specific Plan (APN: 086-036-040); and

**WHEREAS**, on June 3, 2008, the City Council of the City of Milpitas approved the Transit Area Specific Plan to guide development in the Transit Area of the City near the future Milpitas BART Station; and

**WHEREAS**, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City's General Plan, Transit Area Specific Plan, Municipal Code, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in the City staff's report to the Planning Commission; and

**WHEREAS**, the Planning Division completed an environmental assessment No. EA16-0003 for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this Project is covered under the program of activities identified in the Transit Area Specific Plan EIR, SCH#2006032091, certified by the City Council on June 3, 2008, based on the CEQA finding included in this Resolution; and

**WHEREAS**, on August 10, 2016, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.



**Section 2:** The Planning Division conducted an environmental assessment No. EA16-0003 of the Project in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended, and state and local guidelines implementing CEQA. This Project is included within the area evaluated as part of the Transit Area Specific Plan Environmental Impact Report (EIR), SCH#2006032091, which was certified by the City Council June 3, 2008. The Project is covered under the scope of activities approved with that EIR. A finding is made below that this Project is within the program of the EIR and no further environmental review is required.

***CEQA Finding***

The proposed Project is covered under the scope of activities analyzed under the Transit Area Specific Plan (EIR), SCH#2006032091, which was certified by the Milpitas City Council on June 3, 2008. The EIR included a program of activities including construction of up to 7,109 residential units within the Transit Area Specific Plan (TASP) area. The proposed 59 residential units fall within this scope of development activity since the TASP area has not reached its full build out. The TASP area currently has housing units approved at approximately 80 percent of the amount of development assumed in the EIR development threshold.

Further, the Project applicant has submitted a Phase I Environmental Site Assessment, flood study, stormwater management plan, greenpoint checklist, an arborist report and a geotechnical report to further show consistency with the TASP. Copies of these documents are on file with the Planning Division and fully incorporated herein by reference. These aforementioned studies do not indicate any Project environmental impacts other than those already analyzed in the EIR.

An independent Environmental Assessment memorandum was prepared by LSA Associates under contract to the City of Milpitas concluding that the Project is exempt from further environmental analysis per Section 15168(c) of the California Environmental Quality Act (CEQA). Project design features required of projects covered under the EIR are included as Conditions of Approval. Based on the foregoing, the Planning Commission recommends the City Council finds that the proposed Project will not have additional environmental impacts beyond those identified in the EIR, no additional environmental review is required, and no new or additional mitigation measures are required.

***Section 3: Major Vesting Tentative Map (Section XI-1-20.01) - The Planning Commission makes the following findings based on the evidence in the administrative record in support of Major Vesting Tentative Map No. MT15-0013:***

*1. The tentative subdivision map is consistent with the Milpitas General Plan.*

The project site has a General Plan land use designation of High Density Transit Oriented Residential. The intent of this designation is to provide high-density housing within the Trade Zone/Montague Subdistrict at a minimum density range of 21 units per acre, and a maximum density of 40 units per acre.

The Project is consistent with this finding because the proposed Project meets the intent of the designation by providing a residential project within the district with 21 dwelling units per acre. Furthermore, the project is consistent with the following General Plan Guiding Principle and Implementing Policies:

- *2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

The proposed Project is consistent with this policy because it includes attractive three-story buildings with 59 residential units in proximity to the future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Trade Zone/Montague Subdistrict with connections to the BART and Light Rail transportation hubs. The project is also designed to provide an active interface with public spaces by facing townhome units toward the future public park, which will be located directly to the west of the site, across the Tarob Court right of way.

- *2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.*

The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Plan. The project meets all guidelines and requirements of the Transit Area Plan including building setbacks and height, floor area ratio and density, parking, open space and landscaping. It also meets the requirements for access and circulation.

2. *None of the findings set forth in Government Code Section 66474 apply to the proposed project:*

- *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The proposed map is consistent with the Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design and improvement of the proposed subdivision is consistent with Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The site is physically suitable for the type of development.*

The site is physically suitable for the proposed residential development because it is located within walking distance of both the new BART Station and the VTA Light Rail Station, it is across the street from the future Traverse Park and will be removed from the special flood hazard area.

- *The site is physically suitable for the proposed density of development.*

The site is physically suitable for the proposed density of development because of its proximity to transit and recreation facilities.

- *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed subdivision and improvements have been evaluated for environmental impacts as discussed in the LSA Associates, *California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California*, May 13, 2016 with a finding that no environmental impacts not already identified for the project, which is part of the City's Transit Area Specific Plan (TASP) and the TASP Final Environmental Impact Report (FEIR), would result.

- *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

As described in the CEQA Exemption Memo above, the design of the subdivision or type of improvements is not likely to cause serious public health problems.

- *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Access easements, including Tarob Court cul-de-sac bulb, which are proposed to be modified to accommodate the design of this subdivision will not conflict with access through or use of property within the proposed subdivision.

**Section 4: Site Development Permit (Section XI-10-57.03(F)(1)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD15-0015:**

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project is consistent with this finding because the site is designed as nine separate three-story buildings, consistent with other projects within the Subdistrict. The design of the buildings, including the mass, scale and height of the structures, is typical of transit-oriented development and includes additional landscaping along the streets. The buildings complement other approved and pending projects in the area, which all contribute to a vibrant urban transit district consistent with the vision of the Transit Area Specific Plan.

*2. The project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R-3 (Multiple Family - High Density) with a Transit Oriented Development (TOD) Overlay. The proposed residential uses are permitted in the zoning district. The Project conforms to the zoning district and meets the intent for this type of project envisioned in this area.

The Project also conforms to the TOD Overlay by providing density of 21 units per acre, which is within the 21-40 units/acre range envisioned by the TOD Overlay when combined with the R-3 Zoning District. The three-story height of the buildings is also within the standards of the TOD Overlay, where a height up to 75 feet is allowed.

The project conforms to the development standards required in the R-3 and TOD Overlay Districts, with modest exceptions requested to the parking requirements, as permitted by TASP through approval of a CUP. The tables below and supporting text demonstrate how the Project is consistent with these development standards.

**Table 1:**  
**Summary of Development Standards**

| <b>R-3-TOD</b>                      | <b>Standard</b> | <b>Proposed</b>     | <b>Complies?</b> |
|-------------------------------------|-----------------|---------------------|------------------|
| <u>Setbacks (Minimum)</u>           |                 |                     |                  |
| Front                               | 8'-15'          | 8'-15'              | Yes              |
| Side and Rear                       | 8'-15'          | 15' to 40' (varies) | Yes              |
| <u>Density (Units/Acre)</u>         | 21-40 du/ac     | 21.0 du/ac          | Yes              |
| <u>Building Height</u><br>(Maximum) | 75'             | 38'-5"±             | Yes              |

**Table 2:**  
**Summary of Parking Standards**

| Unit Type                                | Number of Units | Minimum/Maximum Parking Permitted       | Minimum Spaces Required | Maximum Spaces Allowed | Spaces Provided | Conforms (Y/N)         |
|--|-----------------|---|-------------------------|------------------------|-----------------|------------------------|
| <b>RESIDENTIAL</b>                       |                 |   |                         |                        |                 |                        |
| 3 BR<br>(plans 1 & 2)                    | 22              | 1.6/2.0 per unit                        | 35                      | 44                     | 44              | --                     |
| 3 BR<br>(plans 3 & 4)                    | 17              | 1.6/2.0 per unit                        | 27                      | 34                     | 34              |                        |
| 4 BR<br>(plans 3 & 4)                    | 20              | 2.6<br>+ 1 addl for each bedroom over 4 | 52                      | 40                     | 40              |                        |
| <b><i>SUB-TOTAL:</i></b>                 |                 |   | <b>114</b>              | <b>118</b>             | <b>118</b>      | <b>Y</b>               |
| Guest                                    | --              | 20% of required residential spaces      | 23                      | --                     | 19              | Y<br>(via CUP)         |
| <b><i>RESIDENTIAL PARKING TOTAL:</i></b> |                 |   | <b>137</b>              | <b>--</b>              | <b>137</b>      | <b>Y<br/>(via CUP)</b> |

The proposed resident and guest parking substantially complies with the TASP standards, with a minor variation requested to the guest parking standards.

Per TASP Section 5-2: *Zoning Regulations*, "Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code". The applicant is requesting a CUP to allow for a reduction in the net amount of guest spaces, as well as for the use of compact and tandem spaces. These requests are outlined in further detail, below.

*Guest Parking Reduction*

TASP specifies that guest parking is to be provided equal to 20% of the minimum required resident spaces. For this project 23 guest spaces are required. The project is providing 19 guest spaces, creating a shortage of four (4) guest spaces. The applicant proposes to compensate for these missing spaces by providing more than the required spaces in the garages of their three-bedroom units. These units require a total of 62 spaces, however the applicant is providing 78 spaces, a difference of 16 spaces.

*Compact/Tandem Spaces*

Per TASP Table 5-1: *Development Standards*, the use of tandem and compact parking may also be allowed through the approval of a CUP. Tandem parking is proposed in eleven of the units, representing 19% of the required residential parking. Three (3) of the guest spaces are proposed as compact spaces, representing 16% of the total guest spaces.

TASP Section 5-2 also requires deviations from the Plan to provide a public/community benefit to offset said deviations. As their public/community benefit the applicant has agreed to provide a payment of \$622,839 in order to offset their parking exception requests.

3. *The project is consistent with the Milpitas General Plan.*

The project is consistent with the Milpitas General Plan in that the project, as proposed and conditioned, conforms to the density and land use envisioned by the Plan. In addition, see the general plan consistency findings set forth in Section 3 above in support of issuance of the Major Vesting Tentative Map.

4. *The project is consistent with the Transit Area Specific Plan.*

The project is consistent with the Transit Area Specific Plan in that the project, as proposed and conditioned, conforms to the street layout, street section, density and land use envisioned by the Trade Zone/Montague Subdistrict of the Plan.

**Section 5: Conditional Use Permit (Section XI-10-57.04(F)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP15-0020:**

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

The project is consistent with this finding because the reduction in guest parking spaces and the allowance of tandem and compact parking will not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or welfare the general public. Rather, such parking designs allow the project type to be of an appropriate density within the TASP sub-district while promoting the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The use of tandem and compact parking and a reduction in guest parking are permitted by the Zoning Ordinance, subject to a Conditional Use Permit in order to analyze potential impacts to the public. Further, Per TASP Section 5-2: *Zoning Regulations*, "Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code".

3. *The project is consistent with the Milpitas General Plan.*

The reduction in guest parking spaces and the allowance of tandem and compact parking, allows this project to meet General Plan Land Use criteria because it allows the project to attain a higher density as envisioned by the General Plan Land Use Element.

4. *The project is consistent with the Transit Area Specific Plan.*

The project is consistent with this finding because the land use, density and street designs are within the parameters set forth in the Transit Area Specific Plan (TASP). The use of tandem and compact parking, as well as a reduction in guest parking, are permitted by the TASP subject to a Conditional Use Permit in order to analyze potential impacts to the public.

The TASP also requires that the following two findings be made as a part of the CUP approval process:

1. *The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.*

Reduction of guest parking and the use of compact and tandem spaces has no negative impact on site architecture, landscaping or site planning integrity, as permitting these uses actually has the beneficial impact of creating more space on-site for open space with landscaping that would otherwise be deleted in order to create additional guest parking spaces. Permitting these revised parking standards also adheres to the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.*

The project is consistent with this finding because the reduction in guest parking spaces and use of tandem and compact parking, in this instance, will be offset by a contribution from the applicant of \$622,839, intended to offset their parking exception requests.

**Section 6:** The Planning Commission of the City of Milpitas hereby adopts Resolution No. 16-031 recommending to the City Council approval of Major Vesting Tentative Map No. MT15-0013, Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, and Environmental Assessment No. EA16-0003, based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1 and incorporated herein.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on August 10, 2016.

---

Chair

TO WIT:

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 10, 2016 and carried by the following roll call vote:

| COMMISSIONER            | AYES | NOES | ABSENT | ABSTAIN |
|-------------------------|------|------|--------|---------|
| Sudhir Mandal           | ✓    |      |        |         |
| Rajeev Madnawat         | ✓    |      |        |         |
| Lawrence Ciardella      | ✓    |      |        |         |
| Gurdev Sandhu           | ✓    |      |        |         |
| Hon Lien                | ✓    |      |        |         |
| Ray Maglalang           | ✓    |      |        |         |
| Demetress Morris        | ✓    |      |        |         |
| Zeya Mohsin (alternate) |      |      | ✓      |         |



**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**Major Vesting Tentative Tract Map No. MT15-0013,  
Site Development Permit No. SD15-0015,  
Conditional Use Permit No. UP15-0020 and  
Environmental Assessment No. EA16-0003  
1980 Tarob Court Project (APN: 086-036-040)**

**General Conditions**

1. General Compliance. The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Major Vesting Tentative Map No. MT15-0013, Conditional Use Permit No. UP15-0020, Site Development Permit No. SD15-0015 and Environmental Assessment No. EA16-0003 (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council approved this Permit.
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
  - a. Acceptance of this Permit by Permittee; and
  - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:
  - a. Completes a foundation associated with the Project; or
  - b. Dedicates any land or easement as required from the zoning action; or
  - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**
7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition.
9. Conditions. Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Permittee is operating the Project under the permits and approvals in this Resolution.
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CA/P/E/B)**
11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including, but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing

the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Map No. MT15-0013, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.

12. Certificate of Insurance. Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies.
13. Revocation, Suspension, Modification. This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.
15. Compliance with Fire Department and California Fire Code. The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and approval by the Fire Department. (F)
16. Permittee shall develop the approved Project in conformance with the approved plans approved by the City Council, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review, and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. (P)

#### **Site Development Permit Conditions**

17. Landscape. All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance. (P)
18. Parking. Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of two garage spaces per townhome unit. Tandem spaces are permitted in 11 of the townhome units. Nineteen (19) guest parking spaces, including one van accessible handicap space and 4 compact spaces, shall be provided onsite. (P)

19. Community Benefit for Exceptions to Parking Standards. TASP Section 5-2 requires deviations from the Plan to provide a public/community benefit to offset said deviations. As their public/community benefit the Permittee has agreed to provide a payment of \$622,839 in order to offset their parking exception requests.
20. Bicycle Racks. A minimum of seven (7) short-term bicycle parking spaces consistent with the TASP Streetscape Elements shall be installed within the Project. (P)
21. Architecture. Project Architecture shall be as depicted on the Building Elevations sheets as approved by the City Council. (P)
22. Trees. The project will remove 44 trees and replace with 146 trees, in conformance with the plans approved by City Council. No protected or heritage trees, as defined by MMC X-2-7: Tree Protection and Heritage Tree Program, will be removed. (P)
23. Street Lights. Permittee shall provide street lighting along all street frontages consistent with current Transit Area Specific Plan standards subject to the review and approval of the Planning Division. Permittee shall likewise install pedestrian scale lights along all public and private street frontages. The Permittee shall submit a photometric plan to determine appropriate light levels with submittal of on-site improvement plans. (P)
24. Tandem Parking Spaces. Permittee shall insure that all future residents are aware that space in garages must be maintained so as to allow the parking of two (2) vehicles at all times. This may be accomplished by including this provision within the CC&Rs. (P)
25. Fourth Bedroom Option Limitation. The total number of optional fourth bedrooms that may be constructed or converted in the dwelling units within the proposed project shall be limited to twenty (20). Conversion will only be permitted upon demonstration of compliance with the provision of all parking required by the Transit Area Specific Plan. (P)
26. Public Art Requirement. Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. (P)
27. Affordable Housing/Inclusionary/Impact Fee Requirement: In recognition of the need for affordable housing within the City and as further described in Resolution No. 8491 adopted by the City Council on June 16, 2015, Permittee shall participate in an inclusionary affordable housing plan, or similar fair and appropriate mechanism to support affordable housing, if established by the City Council in the future, by: (1) providing five percent (5%) of all newly constructed dwelling units in the residential development as very low-income or low-income to be developed and offered as affordable housing to very low-income and low-income households; or (2) prior to building permit issuance, pay a fee in-lieu of all or some of the inclusionary units, should an inclusionary housing plan, or similar fair and appropriate mechanism, be established by City Council. The amount of in-lieu fee to be paid shall be the lesser the amount of (i) the amount in effect pursuant to the implementing City Council ordinance or resolution at the time full payment is made to the

City at the time of building permit issuance, or (ii) the amount equivalent to five percent (5%) of the construction value as determined by the Building Department. In the event the nexus study initiated by the City supports less than five percent (5%) levels of affordable housing, this condition shall only require affordable housing commitment at rates supported by the nexus study on and after such time as that study is completed and adopted by City Council. (P)

## **REQUIRED PROJECT DESIGN FEATURES**

### **Biological Resources (TASP Policy 5.26)**

28. Nesting Birds. To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Services (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required. (P)

### **Noise (TASP Policy 5.10)**

29. Noise. Prior to issuance of any building permit, Permittee shall ensure that the Project will meet the required 45 dBA maximum interior noise standard. All noise insulation treatments identified during review of the final site plans shall be incorporated into the proposed Project to the extent required by California Building Code. (B/P)
30. Noise. Prior to issuance of any building permit, Permittee shall demonstrate that all residential units will require mechanical ventilation to allow the windows to remain closed at the residents' option as the interior noise standards would not be met with open windows. Typically, such a system must meet the following airflow provisions:
- i. If interior noise levels are met by requiring that windows remain unable to open or closed, the design for the structure must also specify a ventilation system to provide a habitable interior environment. The ventilation system must not compromise the dwelling unit noise reduction.

### **Air Quality (TASP Policy 5.16)**

31. Dust Control Emissions. During the construction of the Project, Permittee shall comply with all of the following:
- i. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas and unpaved roads) shall be watered two times per day.
  - ii. All haul trucks transporting soil, sand or other loose material off the site shall be covered.

- iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or more often if determined necessary by City Engineer or designee. The use of dry power sweeping is prohibited.
  - iv. All vehicle speeds on unpaved roads shall be limited to 15 MPH.
  - v. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - vi. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - vii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - viii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. (P)
32. ROG Emissions. Prior to issuance of any building permit, Permittee shall develop, submit and obtain approval from the City of a plan to reduce ROG emissions by 17 percent or greater during the architectural coating phase of the construction. Acceptable measures to achieve this goal include, but are not limited to, using paint that contains 125 grams per liter of VOC or less, the use of pre-fabricated building materials, or a combination of both. The plan shall be implemented as approved by the City. (P)

#### **Cultural Resources (TASP Policies 5.34 and 5.35)**

33. Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines §15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources (Reference CEQA §§21083.2, 2.1084.1.). In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC), which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods. (P)

34. All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Division shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted. (P)

### **Engineering Department Conditions**

#### **35. PRIOR TO CONSTRUCTION PLAN SUBMITTALS**

The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. (E)

- a. Modifications: The Site Development Plan dated May 11, 2016 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
- b. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The Permittee is proposing single-family style solid waste services. The following requirements must be met to be eligible for single-family style service: provide a map identifying dedicated set-out locations for all units, demonstrate minimum truck turning access is provided, and identify a service route that does not require the collection vehicles to back up. The Home Owners Association (HOA) shall be responsible for procuring and paying for the solid waste service.
- c. Stormwater Control Plan: Permittee shall submit third party certified final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
- d. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along Tarob Court and public trail area that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.
- e. Recycle Water Cross-Connection Specialist: In order to comply with the California Code of Regulations Title 17 and 22, and for timely plan approval by the California State Water Resources Control Board/Division of Drinking Water as well as by the South Bay Water Recycling, Permittee must hire a certified cross-connection specialist for their consultation as to irrigation water system design and construction phasing. The name and contact information of the certified cross-connection specialist shall be provided on all submittal plans.

- f. Submittal Requirements: Permittee shall ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
- g. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be at 10% of the public improvement cost estimates as prepared by the Permittee's engineer.

36. PRIOR TO FINAL MAP APPROVAL/RECORDATION

The following conditions shall be addressed during the final map plan check process and shall be met prior to any final approval/recording (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer.  
(E)

- a. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, public access easement and other public easements deemed necessary for the project.
- b. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
- c. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map
- d. Tarob Court Right-of-Way Abandonment: This project is subject to abandonment of a portion of the existing Tarob Court cul-de-sac bulb as part of the final map to support the ultimate development condition as illustrated on the proposed tentative map dated June 24, 2016.
- e. Street Name Approval: Permittee shall obtain recommended approval from the City's Facilities and Street Naming Subcommittee based upon City guidelines, for final approval by the City Council.
- f. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
- g. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, AT&T Broadband/Comcast) for abandonment of existing and dedication of new public service utilities easements.
- h. Demolition of Existing Buildings: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.
- i. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (including certificate of insurance).
- j. Home Owners Association (HOA): Permittee shall submit a preliminary draft of the proposed conditions, covenants, and restrictions (CC&Rs) for City's review and approval. Membership of the HOA shall include all owners of the residential units. The HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and private streets and shall have assessment power. The HOA shall manage and maintain the onsite water, recycled water, irrigation, storm, water quality treatment, and sewer systems and implement the Solid Waste Handling



Plan. This information shall be clearly included in the CC&Rs to be recorded with the Santa Clara Recorder's Office.

- k. Annexation to the Community Facilities District: Permittee shall submit an executed petition to annex the subject property to the Community Facilities District (CFD) 2008-1, and agree to pay the special taxes levied by the CFD 2008-1 for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with any building permit issuance. Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding. (E)

37. PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)

- a. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with current Milpitas design guidelines, (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>), standard drawings and specifications, (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/plans-maps-specifications/>) and Americans with Disabilities Act (ADA) requirements, where applicable.
- b. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design and allocation of discharge for each of the lateral.
- c. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
- d. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. The project site shall be served by the SCVWD Zone 1.
- e. Utility Protection: All existing public utilities shall be protected in place, or if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
- f. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below, including incidental improvements as required by the City as part of the encroachment permit.
  - i. Obtain City Engineer's approval of the new Tarob Court street alignment and

- transition from industrial street section to residential street section as required by the TASP standards [Figure 5-9] and demonstrate an interim public turnaround access within the Tarob Court project.
- ii. **Recycled Water Supply Main** – Permittee shall install a recycled water supply main in Tarob Court along the project frontage to a point approximately 60 feet south of the project's south boundary. Permittee shall install recycled water service line for the project site with irrigation system connected to the new recycle water line. Permittee shall also provide an interim plan for irrigation system connection to the potable water system.
  - iii. **Installation of separate water service tap and meter** for each of the following services: residential, irrigation, and fire.
  - iv. **Installation of Type II slurry seal** along the Tarob Court frontage to the west gutter line.
- g. **Abandonment of Existing City Utilities**: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.
  - h. **Maintenance Agreement**: Permittee shall record a Maintenance Agreement for perpetual maintenance of certain public improvements mutually agreed between the City and the Permittee.
  - i. **Water Service Agreement**: Permittee shall complete a water service agreement to obtain water service.
  - j. **Encroachment Permit**: Prior to any work in the public right-of-way and/or public easement, Permittee shall obtain an encroachment permit with insurance requirements for all public improvements, including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

### 38. **PRIOR TO BUILDING PERMIT ISSUANCE**

The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer.  
(E)

- a. **Final Map Recordation**: Permittee shall record the final map.
- b. **Stormwater Facility Operation & Maintenance Plan**: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).
- c. **Water Supply and Force Majeure**: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
- d. **Recycle Water Approval**: Permittee shall use recycled water for landscape irrigation purposes. Permittee shall comply with California Code of Regulations (CCR), Title 22,

Division 4, Chapter 3, titled "*Water Recycling Criteria*"; CCR, Title 17, Division 1, Chapter 5, Subchapter 1, titled "*Drinking Water Supply*"; and all other recycled water regulations as listed under the publication titled "*California Department of Public Health Regulations Related to Recycled Water June 18, 2014*". Permittee shall obtain approval from the California State Water Resources Control Board/Division of Drinking Water, South Bay Water Recycling and the City for recycled water design, including but not limited to on-site irrigation design, based upon South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. All landscape plants shall be compatible with recycled water.

- e. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 (Water Efficient Landscapes) for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
- f. Dewatering. If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
- g. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc. Guidelines can be found at <http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>
- h. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
  - i. What materials will be salvaged.
  - ii. How materials will be processed during demolition.
  - iii. Intended locations or businesses for reuse or recycling.
  - iv. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

- i. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.
- j. Flood Plain Management: This project is in the Flood Zone "AO" with 1 foot average flood depth, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15.
- k. Development Fees. Permittee shall pay the following development fees. The

information listed in items “a” through “h” are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

- i. Transit Area Specific Plan fee at \$32,781/unit for residential uses. Based on approval for development of 59 units, the estimated Transit Area Specific Plan Development Impact Fee for this project is \$1,934,079 (\$32,781/unit x 59 units).
- ii. Parkland: Per the table below and based on the proposal of 59 units at the site, the project is required to dedicate 0.51 acres of parkland, equivalent \$1,421,798 fees-in-lieu. The park portion of the TASP fee is valued at \$864,230, equivalent to 0.32 acres. This will be applied to the project parkland requirement. The applicant is also dedicating 0.12 acres of public parkland on-site, valued at \$334,541, and will receive credit for up to 0.07 acres of private recreation space on site at the discretion of the City, valued at \$223,027. When all of these contributions are considered, the project meets all parkland dedication/fee requirements, as outlined in the table below:

|  |   |
|--|---|
| 1980 Tarob Court Unit Count                                  | 59  |
| 1980 Tarob Court Population Estimate                         | 147 persons   |
| TASP Parkland Requirement                                    | 3.5 acres/1,000 people<br>or<br>equivalent fees-in-lieu |
| <b>PARKLAND ACREAGE DUE/FEE EQUIVALENT</b>                   | <b>0.51 acres/\$1,421,798</b>                           |
| Amount Satisfied Through TASP Fees<br>(Acreage/Dollars)      | 0.32 acres/\$864,230                                    |
| <b>REMAINING DELTA TO BE SATISFIED<br/>(Acreage/Dollars)</b> | <b>0.19 acres/\$557,568</b>                             |
| Public Parkland Acreage to be Dedicated on Final<br>Map      | 0.12 acres/\$334,541                                    |
| Private Recreation Acreage Approved by City                  | 0.07 acres/\$223,027                                    |
| <b>TOTAL ACREAGE/FEEES PROVIDED</b>                          | <b>0.19 acres/\$557,568</b>                             |
| <b>REMAINING ACREAGE/FEE REQUIREMENT<br/>TO BE MET</b>       | <b>\$0</b>  |
| <b>BALANCE OF PARKLAND<br/>ACREAGE/FEEES DUE</b>             | <b>\$0</b>  |

Parkland fees-in-lieu will be required for any balance of parkland requirements not met through the means outlined above, to the satisfaction of the Directors of Planning and Engineering. Credit for public parkland dedication or private recreation greater than what is required shall not be given against any other fees or payments.

- iii. Storm water connection fee at \$16,771/acre for residential.

- iv. Water connection fee at \$1,164/unit for residential, based upon increased water usage.
- v. Sewer connection fee at \$1,406/unit for residential, based upon increased average wastewater flow.
- vi. 2.5% of applicable fees in accordance with City Resolution No. 7590 as Permitting Automation Fee.
- vii. FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.

### 39. DURING CONSTRUCTION

The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. (E)

- a. On-site Recycle Water Coordination: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling.
- b. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
- c. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.
- d. Elevation Certificates: Permittee's civil engineer shall complete and submit all necessary FEMA Elevation Certificates to the City at different stages of the construction, if applicable.

### 40. PRIOR TO FIRST OCCUPANCY

The following conditions shall be met **prior to** first building occupancy on any lot, unless otherwise approved the Director of Engineering/City Engineer.

- a. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to Tarob Court, frontage improvements along Tarob Court, bicycle and pedestrian improvements and public trail, as shown on City approved plans.
- b. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department.
- c. LOMR-F: Permittee shall submit the FEMA approved LOMR-F for each unit/building associated with the requested occupancy.
- d. Elevation and/or Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and/or Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.

- e. Landscape Certificate: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
- f. Certificate of Cross-Connection: Permittee shall ensure that the cross-connection specialist complete the required recycled water construction inspection checklist, cross connection test results and any special inspection checklist as required by the South Bay Recycling Program <http://www.sanjoseca.gov/index.aspx?NID=1595> and forward them to the City.
- g. Record Drawings: Permittee shall submit record drawings in pdf format for City records.
- h. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

**Other Conditions**

- 41. Fire Department Conditions: Permittee shall comply with all Milpitas Fire Department conditions specified in the January 15, 2016 Memorandum from Jaime Garcia, Fire Protection Engineer to Neal Martin, Planner, attached as Attachment A and made a part of this Resolution.
- 42. Santa Clara Valley Water District Conditions: Permittee shall comply with all Santa Clara Valley Water District conditions specified in the email dated January 26, 2016 from Samuel Yung to Neal Martin regarding the 1980 Tarob Court development, attached as Attachment B and made a part of this Resolution.
- 43. Mailboxes: Permittee shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may be required as a result of the Building, Engineering and Planning Divisions review. (P)
- 44. Electric Vehicle Charging Facilities: Permittee shall:
  - offer each buyer the option of installation of an electric vehicle charging facility in the garage of each townhome, and
  - install wiring for one future electric vehicle charging station in the guest parking area of the project, should it be determined that such wiring is reasonably feasible to install in this location. (P)

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(CA) = City Attorney

(MM) = Mitigation Measure

**ATTACHMENTS**

Attachment A: Milpitas Fire Department Memorandum from Jaime Garcia, Fire Protection Engineer to Neal Martin, *Subject: True Life Companies-Tentative Map for 61 Townhome Style Units 1980 Tarob Court*, January 15, 2016.

Attachment B: Santa Clara Valley Water District email from Samuel Yung to Neal Martin, *Subject: 1980 Tarob Ct. Development*, January 26, 2016.

**NOTICE OF RIGHT TO PROTEST**

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Pursuant to Condition No. 38 contained herein, prior to any building permit issuance, Permittee shall pay the applicable Transit Area Specific Plan Development Impact Fee as determined by the City Council at the time of project approval.

**AGREEMENT**

*Permittee/Property Owner*

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Printed Name of Permittee/Property Owner: \_\_\_\_\_



**MILPITAS FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3365, FAX (408) 586-3378

**MEMORANDUM**

DATE: January 15, 2016

TO: Neal Martin, Planner

FROM: Jaime Garcia, Fire Protection Engineer

Cc: Albert Zamora, Deputy Fire Chief

SUBJECT: TRUE LIFE COMPANIES – TENATIVE MAP FOR 61 TOWNHOME STYLE UNITS  
1980 TAROB COURT  
P-SD15-0015, P-UP15-0020, P-MT15-0013  
(PJ #: 1194) – Review based on plans CITY RECEIVED: Dec. 22, 2015

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The plans for the aforementioned project have been returned to the Planning Division. The Fire Department has the following notes.

**NOTES TO APPLICANT**

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**The notes listed below will apply to ALL buildings/projects, unless specifically identify for one particular building/project.**

1. Please do not consider this review an approval for construction from the Fire Department. The plans submitted are not reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). These notes are a general list of the applicable code requirements, but not limited to, and are provided to assist with the construction permit process.
2. To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or report(s). CFC Section 104.7.2
3. Fire Department access. Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. CFC Section 503
  - a. A Minimum of two independent and approved (approved by the Fire Code Official) means of fire apparatus access shall be provided for the site. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760m<sup>2</sup>) shall be provided with at least two means of fire apparatus access for each structure. 2012 International Fire Code, Section D104.1, adopted and amended by MMC V-300-2.154



- b. For multi-family multiple-family residential projects having more than 50 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. Section D106.1 of the 2012 International Fire Code, amended by MMC V-300-2.157
- c. Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (centre). CFC Section 503
- d. Fire apparatus access roads shall provide a minimum clear width of 26 feet. This requirement is for the use and function of a fire ladder apparatus. International Fire Code, Appendix D, Sections D103.1 and D105, adopted and amended by Milpitas Municipal Code. MMC V-300-2.153 and 2.156

Townhome style buildings: 22 feet in width drive is acceptable, provided the structures above provides a continuous clear finish dimension of not less than 26 feet centered on the drive. Note, fire apparatus turning and access requirements noted herein this document shall be met.

- e. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1. When there is a dead-end condition, means for fire apparatus turn-around shall be provided.
- f. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. CFC Section 508.3, added by MMC V-300-2.48
- g. Fire access roads shall be paved (concrete and/or asphalt cement, no other material is accepted). Fire apparatus access roads/lanes and emergency vehicle roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Design criteria shall be based on the City of Milpitas fire apparatus Sutphen S95 Aerial Platform unit. Please contact the Fire Prevention Division if specifications are needed. CFC Section 503.2.3
- h. Ground structures (including landscape) and building projections shall not encroach or impede the fire apparatus access requirements. CFC Section 503.4
- i. Emergency Vehicle Access (EVA) roads, when required, shall meet the fire department site access requirements specified herein this document. CFC Section 503

- j. No parking in fire access roads. The required access road shall be designated and clearly marked as a fire lane. The designated fire lane shall be identified as set forth in Section 22500.1 of the Vehicle Code. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". CFC Section 503.3

Minimum marking shall be pole signage and red curb with "FIRE LANE" stencil. Signage and red curbs shall be done throughout and as needed to clearly identify the no parking zones.

- k. Fire Protection. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. Combustible construction shall not begin until water mains and hydrants are operational and fire apparatus access roads are installed (paved). CFC Section 501.4
- l. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

4. Fire Protection Water Supply (hydrants, on-site and public).

- a. An approved water supply (hydrants on-site and public) capable of supplying the required fire flow for fire protection shall be provided upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply shall meet the Fire Code and the City of Milpitas Engineering Division water supply guidelines and the CFC Section 507, Appendix B and Appendix C. Fire flow reduction as noted in the Appendix B of the Fire Code is not permitted.
- b. Water System Calculations, sheet C5.0. Private fire service mains and appurtenances shall be designed and installed in accordance with the City of Milpitas Engineering design guideline requirements and the NFPA 24. Design calculations and all the necessary design information for the water system to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. CFC Section 507

The minimum water flow at the worst case hydrant outlet within the private system shall be not less than 2.500 gpm.

- c. Civil sheet C5.0. The location and quantity of hydrants will be evaluation during the construction permit process. This applies to the on-site private streets as well as to the public streets. CFC Section 507.5
- d. Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. CFC Section 507.5.7, added by MMC V-300-2.54

- e. No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514. Provide striping per CA Vehicle Code 22500.1. CFC Section 507.5.4.
5. Fire service water laterals for building sprinkler systems.
- a. Each building shall have a fire service water laterals for the automatic fire sprinkler system and shall meet the California Fire Code requirements Chapter 9 and the NFPA applicable Standards. Note, the utilities drawings provided are not reviewed nor approved for construction. CFC Section 912.1
  - b. The location of the FDC's/PIV's (fire department connection/post indicator valve) shall be at a readily accessible location off the fire access road and approved by the Fire Code Official. FDC's/PIV's shall not be located behind parking stalls nor behind any other obstruction. Final review for location for the FDC's/PIV's will be conducted during the construction permit process. CFC Section 912.3
  - c. FDC/PIV Signage. A metal sign with raised letters at least 1 inch in size shall be mounted on all fire department connections. Signage shall be reflective, weather resistive and approved by the Fire Code Official. CFC Section 912.4
  - d. Backflow Protection. Potable water supply to the automatic sprinkler and/or the standpipe systems shall be protected against backflow as required by the Health and Safety Code section 13114.7 and the City of Milpitas Utilities Engineering Division. CFC Section 912.5
  - e. Fire service water supply laterals for the sprinkler systems and the on-site fire hydrants shall be independent of each other. NFPA 13, Chapter 23
  - f. Automatic fire sprinkler riser location. The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance. California Fire Code Section 903.3.5.3, added by MMC Section V-300-2.65
6. Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.5, added by MMC Section V-300-2.51
7. Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505

The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9

8. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.52
9. Fire Dept. emergency Key Box (Knox Box, Knox locks, Knox electric switches, etc). The Fire Code Official is authorized to require a key box(es) to be installed in an approved location(s) if necessary for life-saving or fire-fighting purposed. Quantify and location shall be as directed by the Fire Code Official. CFC Section 506

Locked mechanical closets, fire alarm closets, sprinkler riser closets, etc. will need a Fire Dept. approved lock or "Knox" key box.

10. Building/Structure Requirements.
  - a. The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 or NFPA 13R Standards. System type will depend on building/structure "construction type" analysis. California Fire Code Section 903.3
  - b. All valves controlling the water supply for the automatic sprinkler system shall be electrically supervised by a listed fire alarm control unit. CFC 903.4
  - c. Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station. CFC Section 903.4.1
  - d. Portable fire extinguishers shall be selected, installed and maintained in accordance with CFC Section 906.
  - e. All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Sprinkler system design shall include the proposed method for drainage of sprinkler system discharge. Storm Water Pollution Regulations
  - f. Group R-2. A fire alarm system and smoke alarms shall be installed in Group R-2 Occupancies as required in Sections 907.2.9.1 through 907.2.9.2. CFC Section 907.2.9  
CFC Section 907.2.9.1 - Manual Fire Alarm System  
CFC Section 907.2.9.2 - Smoke Alarm (in accordance with 907.2.11)
  - g. R-2 Occupancy, listed single and multiple-station smoke alarms complying with UL217 shall be installed in accordance with Sections 907.2.11.2 through 907.2.11.4 and the NFPA 72. CFC Section 907.2.11
  - h. In Group R-2 required by Section 907 to have a fire alarm system, all dwellings units and sleeping units shall be provide with the capability to support visible alarm notification appliances in accordance with NFPA 72. CFC 907.5.2.3.4
  - i. Fire alarm system(s) shall be zoned as per the requirements of the CFC Sections 907.6.3 and 907.6.4.
  - j. Fire alarm panel (or fire alarm annunciator panel) shall be located in a readily accessible location and shall be provided with the necessary access and working clearance as required by the CA

Electrical Code. CFC Section 907.6.3.1.1

- k. Fire alarm monitoring (Approved supervising station - UL, or FM approved). Fire alarm systems required by the Fire Code or by the California Building Code shall be monitored by an approved supervising station in accordance with the NFPA 72. CFC 907.6.5
- 11. Landscape sheets. The proposed landscaping may be impacted by the comments above and the requirements for fire access, fire systems and devices (such as apparatus access, hydrants, fire service lines, fire department connections valves, etc.). The Fire Dept. reserves the right to relocate, delete or change the proposed landscaping when in conflict with fire systems and devices. CFC 507.5.4
- 12. Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 901.2

**Subject:** RE: City of Milpitas—1980 Tarob Ct (District File 33239)

## Attachment B

**From:** Samuel Yung (SYung@valleywater.org)

**To:** vmartin5@pacbell.net;

**Cc:** sfleming@ci.milpitas.ca.gov;

**Date:** Tuesday, January 26, 2016 3:16 PM

Hi Neal,

The following are our comments regarding the 1980 Tarob Ct development:

The proposed development within the existing flood plain should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. Due to the changes to the grades and building footprint, a flood plain analysis delineating the post development flood plain depth and lateral extent should be submitted for review by the City's Floodplain Manager and the District. The site grading must be designed to allow for the passage and storage of flood water within the site.

Sheet C4.0 Preliminary Grading Drainage Plan: Please clarify who will be responsible for the retaining wall. In general, the retaining wall should also be set back from the property line to allow for maintenance (repairs, graffiti removal, etc,...) by the HOA/City without having to enter the District's property.

Sheet L001: The canopy of any trees / shrubs along the landscape strip between the trail and retaining wall along the creek should not extend past the property line at maturity as this will inhibit the District's use of large equipment during creek maintenance.

Sheet L001: To maintain ecological compatibility and ensure genetic specificity, plant species native to the local watershed should be used in the landscape design. Alternatively, non invasive ornamentals with no potential to cross pollinate with local native species along the watershed can be used. This is more critical in the areas along the Penitencia East Channel. The site's landscaping should be designed consistent with the "Guidelines and Standards for Land Use Near Streams" (see Design Guide 2-6) developed by the Water Resources Protection Collaborative which the City of Milpitas was part to and adopted.

Sheet L001: Lighting from the development should not extend into the riparian creek corridor.

Sheet L002: Section AA shows the retaining wall within the District's right of way. The retaining wall, including its footing, must be located outside the District's property.

Thanks for the opportunity to comment on the project. If you have any questions, please feel free to call or email me.

**Samuel Yung, P.E.**

Santa Clara Valley Water District

5750 Almaden Expressway

San Jose, CA 95118-3686

ph: (408)630-3174

fax: (408)979-5635



1980 TAROB COURT

SHEET INDEX

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| A9   | BUILDINGS A & E - THIRD FLOOR AND ROOF PLANS                          |




CONSULTANTS

**ARCHITECT**  
SDG ARCHITECTS, INC.  
ATT. SCOTT PRICKETT  
3361 WALNUT BLVD. SUITE 120, BRENTWOOD, CA  
925.634.7000

**CIVIL ENGINEER**  
WOOD RODGERS  
ATT. KARRIE MOSCA  
4670 WILLOW ROAD SUITE 125, PLEASANTON, CA  
925.398.7915

**LANDSCAPE ARCHITECT**  
R3 STUDIOS, INC.  
ATT. ROMAN DE SOTA  
201 4TH STREET, SUITE 108, OAKLAND, CA  
510.452.4190

Tarob Court  
Milpitas, CA  
July 28, 2016

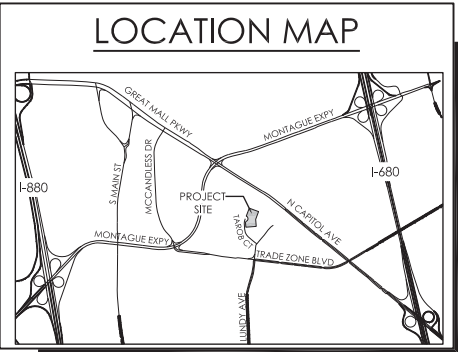
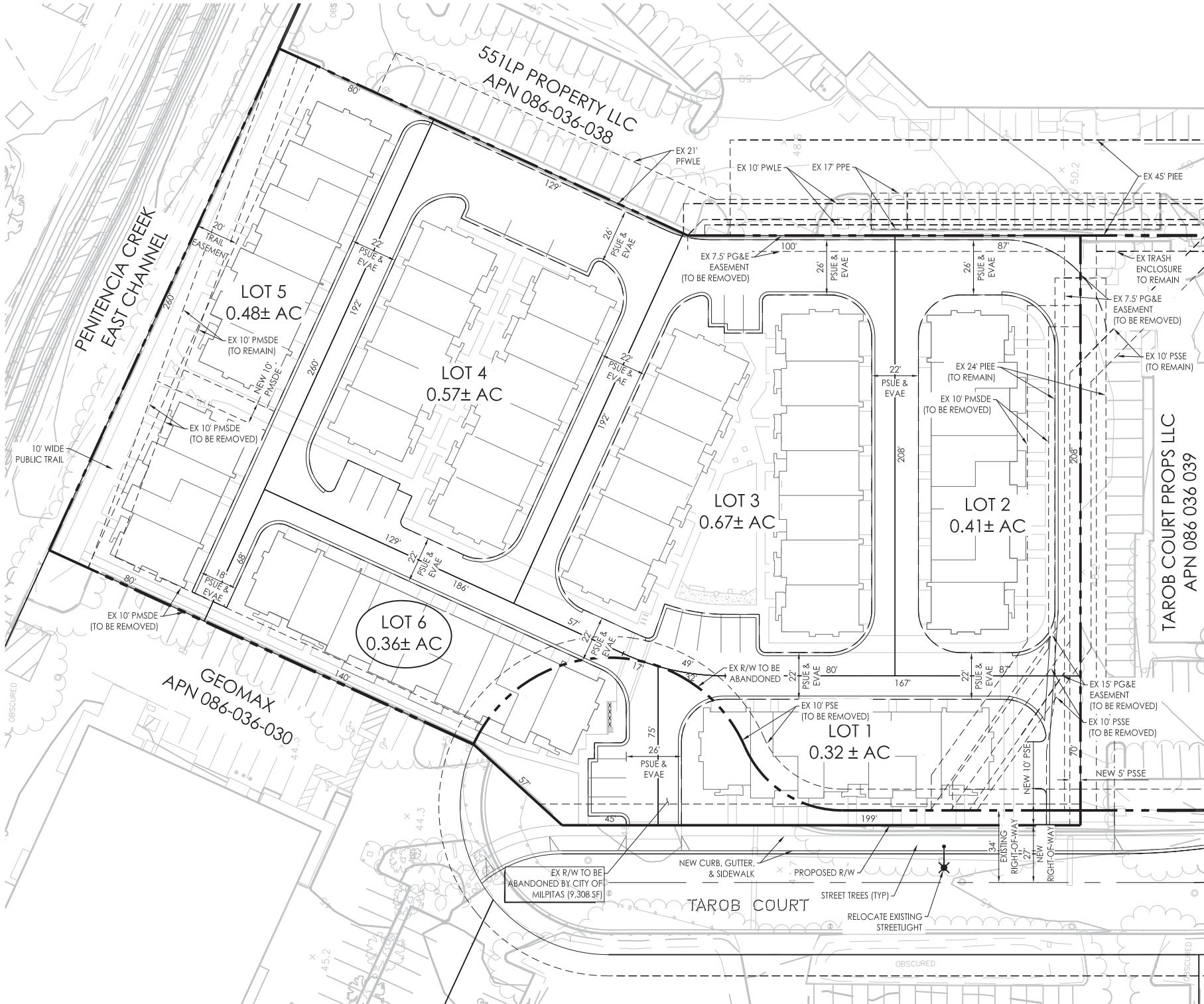
 **The True Life Companies**  
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583  
925.824.4300

TITLE SHEET  
T1

3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.straussdesign.com

  
SDG Architects, Inc.





| ABBREVIATIONS |                                     |
|---------------|-------------------------------------|
| EVAE          | EMERGENCY VEHICLE ACCESS EASEMENT   |
| EX            | EXISTING                            |
| PFWLE         | PRIVATE FIRE WATER LINE EASEMENT    |
| PIE           | PRIVATE INGRESS & EGRESS EASEMENT   |
| PMSDE         | PRIVATE MUTUAL STORM DRAIN EASEMENT |
| PPE           | PRIVATE PARKING EASEMENT            |
| PSE           | PUBLIC SERVICE EASEMENT             |
| PSSE          | PRIVATE SANITARY SEWER EASEMENT     |
| PSUE          | PUBLIC SERVICE UTILITY EASEMENT     |
| PWLE          | PRIVATE WATER LINE EASEMENT         |
| R             | RADIUS                              |
| R/W           | RIGHT OF WAY                        |
| SDE           | STORM DRAIN EASEMENT                |

| LEGEND   |  |
|----------|--|
| PROPOSED | EXISTING   |
|          | PROJECT BOUNDARY   |
|          | PROPERTY LINE  |
|          | EASEMENT LINE  |
|          | CENTERLINE   |
|          | BUILDING   |
|          | HARDSCAPE  |
|          | TREE   |
|          | CITY RIGHT-OF-WAY TO BE ABANDONED AND RELINQUISHED TO PROPERTY OWNER |

- SHEET INDEX**
- TM01 VESTING TENTATIVE MAP
  - TM02 EXISTING CONDITIONS PLAN
  - TM03 PRELIMINARY SITE PLAN
  - TM04 PRELIMINARY GRADING AND DRAINAGE PLAN
  - TM05 PRELIMINARY UTILITY PLAN
  - TM06 FIRE TRUCK ACCESS PLAN
  - TM07 SOLID WASTE HANDLING PLAN
  - TM08 PARKING PLAN
  - TM09 PRELIMINARY STORMWATER CONTROL PLAN
  - TM10 INTERIM IMPROVEMENTS
  - TM11 CONDITIONS OF APPROVAL

**SUBDIVISION TENTATIVE MAP**

This Map has been reviewed by the City Engineer.

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

Recommended for Approval by the Milpitas Planning Commission, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and Approved by the Milpitas City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

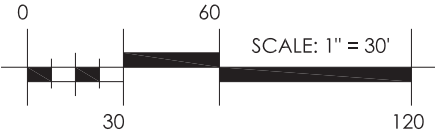
Planning and Neighborhood Services Director \_\_\_\_\_ Date \_\_\_\_\_



1980 Tarob Court  
Milpitas, CA  
JULY 28, 2016

VESTING TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES  
TM01

**The True Life Companies**  
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583  
925.824.4300



**WOOD RODGERS**  
DEVELOPING INNOVATIVE DESIGN SOLUTIONS  
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556  
Pleasanton, CA. 94588 Fax 925.847.1557

**PROJECT NOTES**

**APPLICANT**  
THE TRUE LIFE COMPANIES, LLC  
12647 ALCOSTA BOULEVARD, SUITE 470  
SAN RAMON, CA 94583  
CONTACT: LEAH DREGER  
PHONE: (925) 824-4300

**OWNER**  
SNB, LLC  
1118 PEDRICK COURT  
SAN JOSE, CA 95120

**ENGINEER/PLANNER**  
WOOD RODGERS INC.  
4670 WILLOW ROAD, SUITE 125  
PLEASANTON, CA 94588  
CONTACT: KARRIE MOSCA/PAUL MEUSER  
PHONE: (925) 847-1547

**PROJECT ADDRESS**  
1980 TAROB COURT, MILPITAS, CA 95035

**ASSESSOR'S PARCEL NO.**  
086-036-040

**AREA**  
2.6± ACRES GROSS  
2.8± ACRES NET (INCLUDES R/W TO BE ABANDONED)

**DENSITY**  
22.7± DWELLING UNITS/ACRE

**NUMBER OF LOTS / UNITS**  
6 CONDOMINIUM LOTS / 59 TOWNHOMES

**EXISTING USE**  
INDUSTRIAL

**PROPOSED USE**  
MULTI-FAMILY RESIDENTIAL

**EXISTING GENERAL PLAN**  
MULTI-FAMILY RESIDENTIAL HIGH DENSITY (MFH) 21-40 UNITS/GROSS ACRE

**PROPOSED GENERAL PLAN**  
MULTI-FAMILY RESIDENTIAL HIGH DENSITY (MFH) 21-40 UNITS/GROSS ACRE

**EXISTING ZONING**  
R3 - HIGH DENSITY, TRANSIT ORIENTED

**PROPOSED ZONING**  
R3 - HIGH DENSITY, TRANSIT ORIENTED

**PARK DISTRICT**  
MILPITAS RECREATION SERVICES DIVISION

**FIRE PROTECTION**  
MILPITAS FIRE DEPARTMENT

**SCHOOL DISTRICT**  
BERRYESSA UNION SCHOOL DISTRICT

**SEWER**  
CITY OF MILPITAS

**STORM DRAIN**  
CITY OF MILPITAS

**WATER**  
CITY OF MILPITAS

**ELECTRICITY & GAS**  
PG&E

**TELEPHONE**  
AT&T, COMCAST

**CABLE TV**  
AT&T, COMCAST

**FLOOD ZONE**  
"A0" - FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED, FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED.

MAP NUMBER: 05085C0067J  
EFFECTIVE DATE: FEBRUARY 19, 2014

**BASIS OF BEARINGS**  
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD83, AS MEASURED BETWEEN FOUND MONUMENTS IN TAROB COURT. SAID BEARING BEING S N4 12 49' W. ALL DISTANCES SHOWN ARE GROUND BASED. TO OBTAIN GRID DISTANCES DIVIDE GROUND DISTANCE BY A COMBINATION FACTOR = 1.000049802.

**BENCHMARK**  
USC&GS BRASS DISK IN TOP OF NORTH END OF WEST HEADWALL, WPPR CULVERT CROSSING OF PENITENCIA CREEK, NORTH OF LUNDY ROAD. ELEV=51.880' (NAVD88)

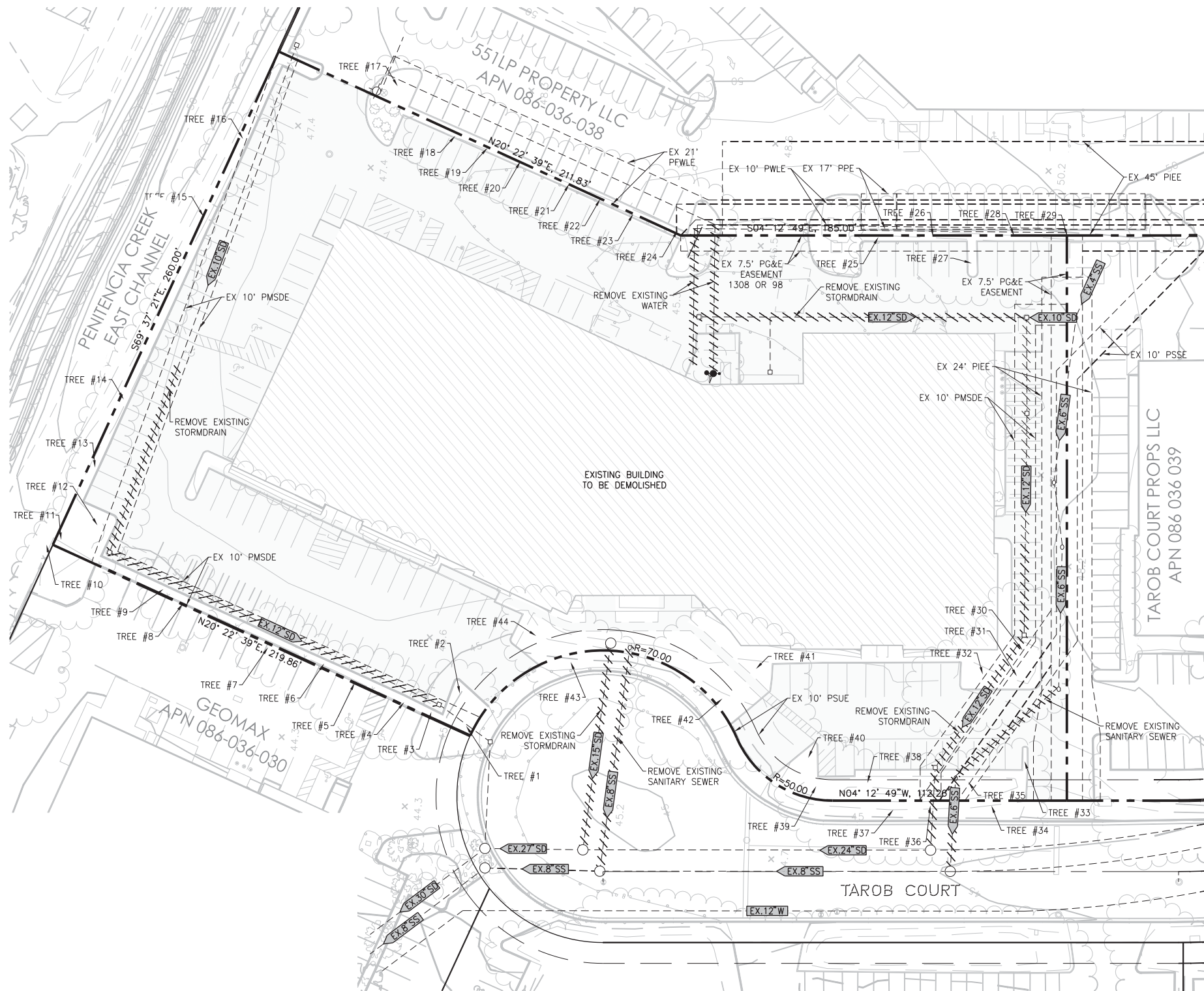
**DATUM**  
NORTHERN AMERICAN DATUM OF 1983 (NAD83), AND CALIFORNIA COORDINATE OF 1983, ZONE 3

**CONDOMINIUM MAP**  
A CONDOMINIUM MAP WILL BE RECORDED FOR LOTS 1-6. THE SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT.

**DIMENSIONS**  
ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL SUBDIVISION MAP.

**NOTES**  
1. SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS.





ABBREVIATIONS

|       |                                     |
|-------|-------------------------------------|
| E     | EAST                                |
| EVAE  | EMERGENCY VEHICLE ACCESS EASEMENT   |
| EX    | EXISTING                            |
| FDC   | FIRE DEPARTMENT CONNECTION          |
| G     | GAS                                 |
| L     | LENGTH                              |
| N     | NORTH                               |
| OH    | OVERHEAD LINE                       |
| PFWLE | PRIVATE FIRE WATER LINE EASEMENT    |
| PIEE  | PRIVATE INGRESS & EGRESS EASEMENT   |
| PV    | POST INDICATOR VALVE                |
| PMSDE | PRIVATE MUTUAL STORM DRAIN EASEMENT |
| PPE   | PRIVATE PARKING EASEMENT            |
| PSSE  | PRIVATE SANITARY SEWER EASEMENT     |
| PSUE  | PUBLIC SERVICE UTILITY EASEMENT     |
| PWLE  | PRIVATE WATER LINE EASEMENT         |
| R     | RADIUS                              |
| R/W   | RIGHT OF WAY                        |
| S     | SOUTH                               |
| SS    | SANITARY SEWER                      |
| SD    | STORM DRAIN                         |
| SDE   | STORM DRAIN EASEMENT                |
| SF    | SQUARE FEET                         |
| W     | WATER                               |


LEGEND

| PROPOSED |                           | EXISTING |
|----------|---------------------------|----------|
| ---      | PROJECT BOUNDARY          | ---      |
| ---      | PROPERTY LINE             | ---      |
| ---      | EASEMENT LINE             | ---      |
| ---      | CENTERLINE                | ---      |
| ---      | MONUMENT LINE             | ---      |
| ---      | SANITARY SEWER            | EX.8"SS  |
| ---      | STORM DRAIN               | EX.18"SD |
| ---      | POTABLE WATER             | EX.10" W |
| ---      | POWER POLE                | ⬮        |
| ---      | STREETLIGHT               | ⬮        |
| ---      | TREE                      | ⬮        |
| ---      | BUILDING TO BE DEMOLISHED | ⬮        |
| ---      | PAVEMENT TO BE DEMOLISHED | ⬮        |

TREE TABLE

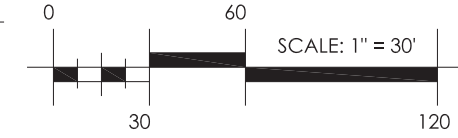

| TREE NUMBER | DESCRIPTION          | ELEVATION |
|-------------|----------------------|-----------|
| 1           | 15" LONDON PLANE     | 40.54     |
| 2           | 8" LONDON PLANE      | 44.13     |
| 3           | 7.5" PURPLELEAF PLUM | -         |
| 4           | 19" RIVER RED GUM    | 44.95     |
| 5           | 18" EVERGREEN ASH    | 45.59     |
| 6           | 15" RIVER RED GUM    | 45.47     |
| 7           | 17" EVERGREEN ASH    | 45.12     |
| 8           | 15" EVERGREEN ASH    | 44.86     |
| 9           | 18" RIVER RED GUM    | 45.10     |
| 10          | 15" RED IRONBARK     | -         |
| 11          | 15" RIVER RED GUM    | 46.68     |
| 12          | 22" RIVER RED GUM    | 46.62     |
| 13          | 24" RIVER RED GUM    | 45.26     |
| 14          | 15" RIVER RED GUM    | 45.42     |
| 15          | 15" FLOODED GUM      | 46.23     |
| 16          | 16" RIVER RED GUM    | 48.63     |
| 17          | 13" RIVER RED GUM    | 48.34     |
| 18          | 16" LONDON PLANE     | 47.68     |
| 19          | 14" LONDON PLANE     | 47.30     |
| 20          | 12" LONDON PLANE     | 47.67     |
| 21          | 14" LONDON PLANE     | 47.39     |
| 22          | 14" LONDON PLANE     | 47.79     |
| 23          | 15" LONDON PLANE     | 47.13     |
| 24          | 21 RIVER RED GUM     | -         |
| 25          | 19" LONDON PLANE     | 46.91     |
| 26          | 18" LONDON PLANE     | 47.32     |
| 27          | 18" LONDON PLANE     | 47.36     |
| 28          | 14" LONDON PLANE     | 48.14     |
| 29          | 14" LONDON PLANE     | 48.83     |
| 30          | 20" LONDON PLANE     | 47.72     |
| 31          | 16" LONDON PLANE     | -         |
| 32          | 20" LONDON PLANE     | 47.19     |
| 33          | 18" LONDON PLANE     | 46.58     |
| 34          | 21" LONDON PLANE     | 45.98     |
| 35          | 20" LONDON PLANE     | 46.57     |
| 36          | 22 LONDON PLANE      | 47.55     |
| 37          | 10" LONDON PLANE     | 47.07     |
| 38          | 22" LONDON PLANE     | 47.10     |
| 39          | 13" LONDON PLANE     | 46.27     |
| 40          | 15" LONDON PLANE     | 46.27     |
| 41          | 23" LONDON PLANE     | 46.56     |
| 42          | 24" LONDON PLANE     | 45.94     |
| 43          | 28" LONDON PLANE     | 45.39     |
| 44          | 14" LONDON PLANE     | 46.01     |

1980 Tarob Court  
Milpitas, CA  
JULY 28, 2016



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925.824.4300

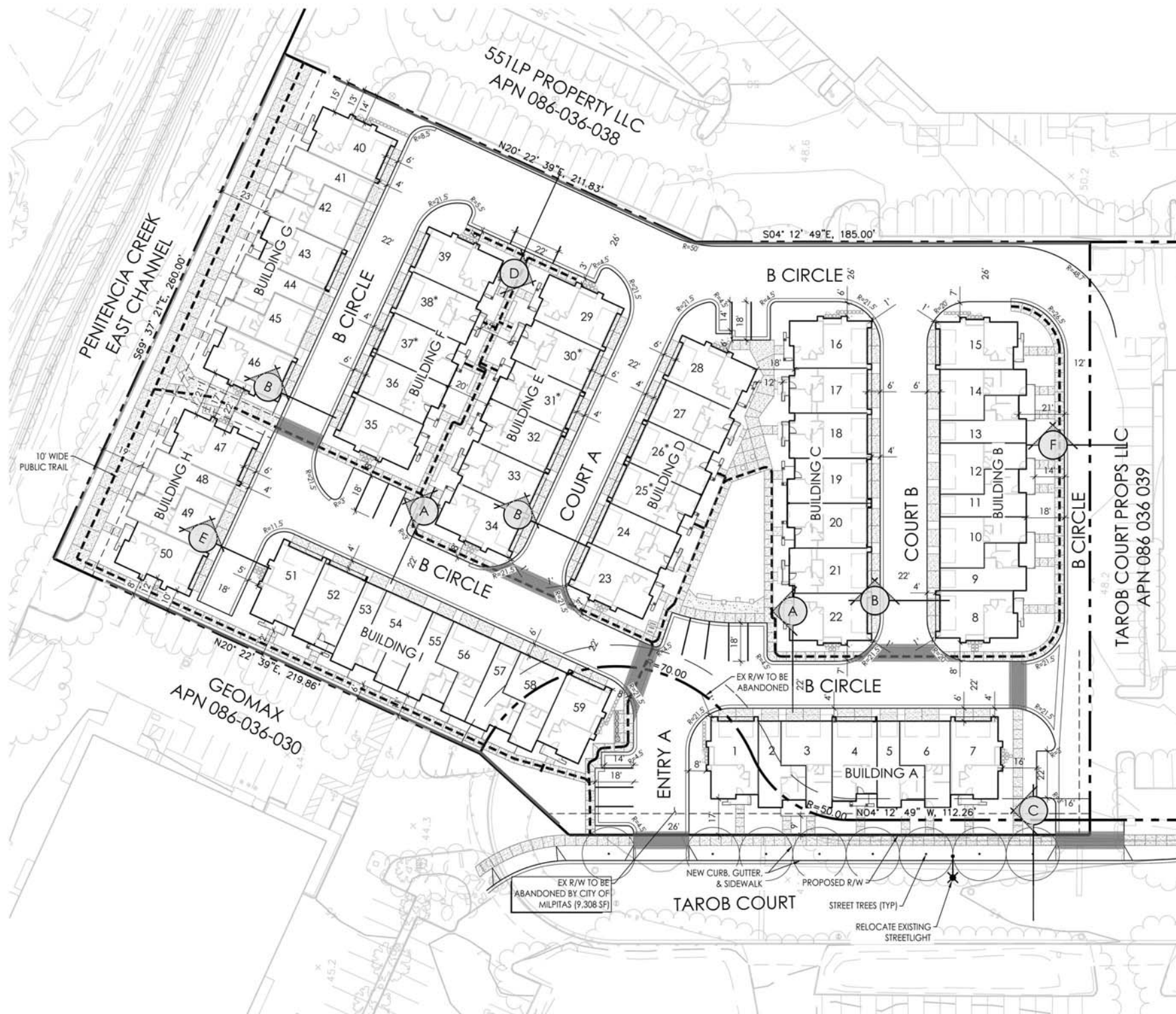
EXISTING CONDITIONS PLAN  
TM02





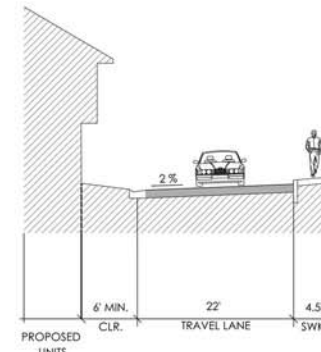
**WOOD RODGERS**  
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4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556  
Pleasanton, CA. 94588 Fax 925.847.1557



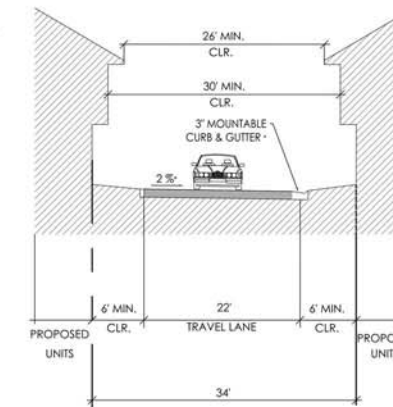


NOTE:  
ALL DIMENSIONS TO FACE OF CURB UNLESS NOTED  
OTHERWISE.

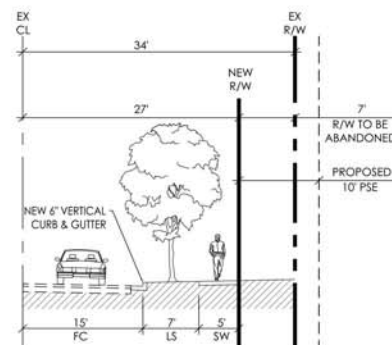
ACCESSIBILITY NOTES  
\* DENOTES ACCESSIBLE UNIT  
--- DENOTES ACCESSIBLE ROUTE OF TRAVEL



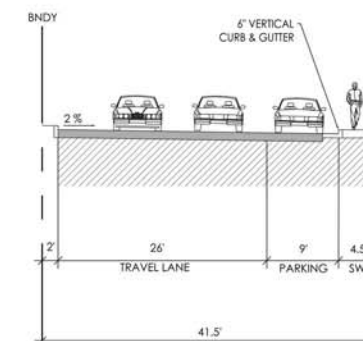
**SECTION A**  
22' PRIVATE STREET SECTION  
NOT TO SCALE



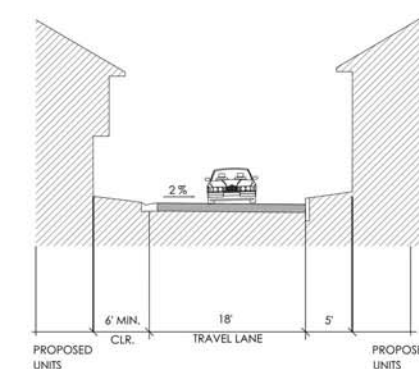
**SECTION B**  
22' PRIVATE STREET SECTION  
NOT TO SCALE  
\* CROSS SLOPE AND CURB TYPE VARY  
THROUGHOUT SITE. SEE GRADING PLAN.



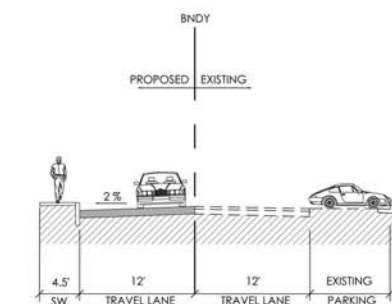
**SECTION C - TAROB COURT**  
27' HALF - PUBLIC STREET SECTION  
NOT TO SCALE



**SECTION D**  
41.5' PRIVATE STREET SECTION  
NOT TO SCALE



**SECTION E**  
18' PRIVATE STREET SECTION  
NOT TO SCALE



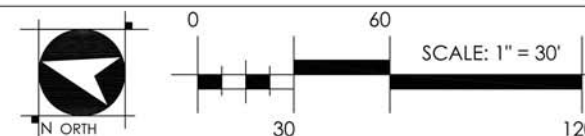
**SECTION F**  
12' PRIVATE STREET SECTION  
NOT TO SCALE

## UNIT SUMMARY

| BUILDING | BUILDING TYPE | UNIT COUNT |
|----------|---------------|------------|
| A        | 7-PLEX        | 7          |
| B        | 8-PLEX        | 8          |
| C        | 7-PLEX        | 7          |
| D        | 6-PLEX        | 6          |
| E        | 6-PLEX        | 6          |
| F        | 5-PLEX        | 5          |
| G        | 7-PLEX        | 7          |
| H        | 4-PLEX        | 4          |
| I        | 9-PLEX        | 9          |
| TOTAL    |               | 59         |

1980 Tarob Court  
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JULY 28, 2016

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SITE PLAN  
TM03



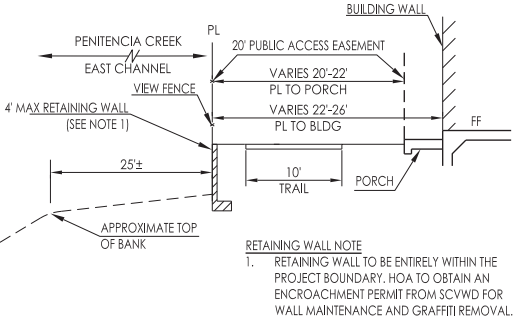
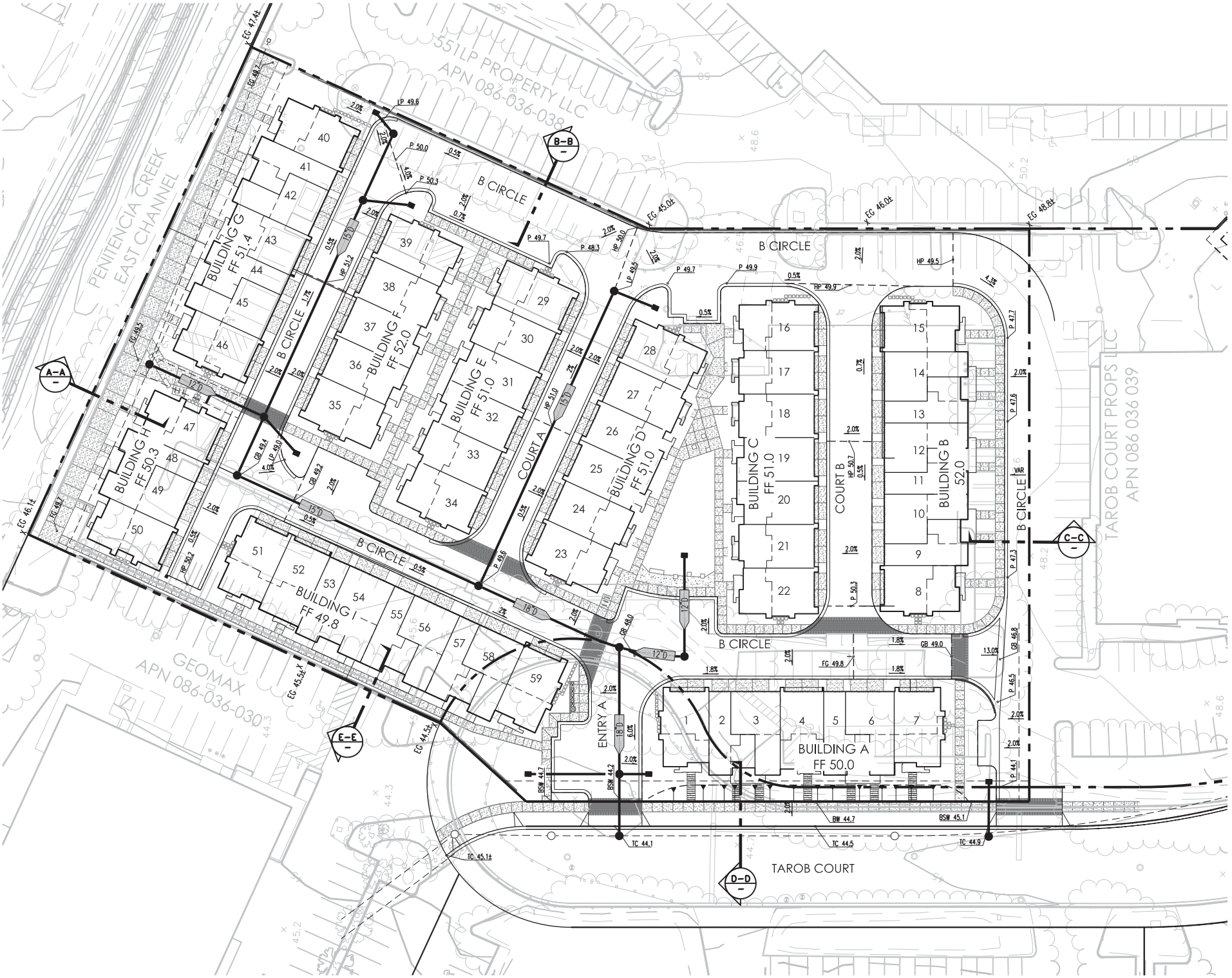
**WOOD RODGERS**  
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4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556  
Pleasanton, CA. 94588 Fax 925.847.1557



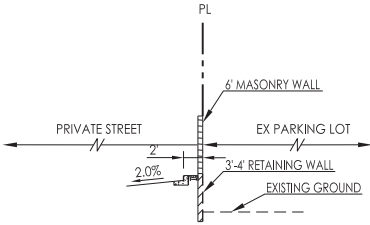
ABBREVIATIONS

|       |                                   |
|-------|-----------------------------------|
| BSW   | BACK OF SIDEWALK                  |
| CL    | CENTERLINE                        |
| D     | DRAIN                             |
| FF    | FINISHED FLOOR                    |
| FG    | FINISHED GRADE                    |
| HP    | HIGH POINT                        |
| GB    | GRADE BREAK                       |
| PL    | PROPERTY LINE                     |
| R/W   | RIGHT OF WAY                      |
| SCVWD | SANTA CLARA VALLEY WATER DISTRICT |
| SW    | SIDEWALK                          |
| TC    | TOP OF CURB                       |
| VAR   | VARIES                            |

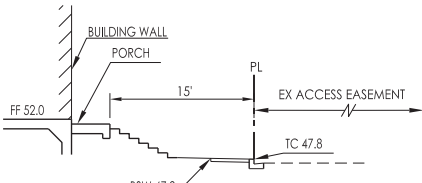
\* DENOTES ACCESSIBLE UNIT



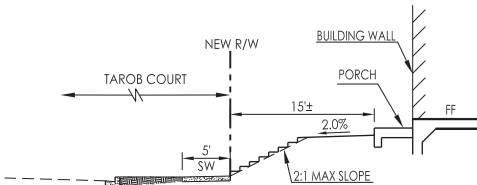
SECTION A-A



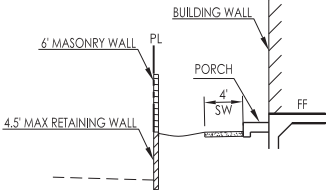
SECTION B-B



SECTION C-C



SECTION D-D



SECTION E-E

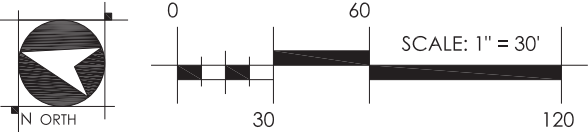
| EARTHWORK SUMMARY      |          |           |
|------------------------|----------|-----------|
| DESCRIPTION            | CUT (CY) | FILL (CY) |
| ROUGH GRADE            | 0        | 13,500    |
| OVER EXCAVATION        | 5,200    | 5,200     |
| UTILITY SPOILS         | 1,600    | -         |
| BIO-RETENTION SPOILS   | 620      | -         |
| SHRINKAGE (ASSUME 10%) | -        | 1,870     |
| TOTALS                 | 7,420    | 20,570    |

- EARTHWORK NOTES:
- THIS ESTIMATE ASSUMES 8" OF THE EXISTING SITE WILL BE OFF HAULED DUE TO DEMOLITION AND REMOVAL OF THE BUILDING FOUNDATION AND PARKING LOT
  - ALL QUANTITIES SHOWN ON THIS PLAN ARE APPROXIMATE, CALCULATED CUT AND FILL AREA TO "ROUGH GRADE" AND EXISTING GROUND. THE ACTUAL AMOUNT OF EARTH MOVED IS VARIABLE DEPENDENT ON COMPACTION, CONSOLIDATION, STRIPPING REQUIREMENTS AND THE CONTRACTOR'S METHOD OF OPERATION.
  - REUSE OF EXISTING ON-SITE MATERIALS HAVE NOT BEEN FACTORED INTO THE EARTHWORK QUANTITIES.
  - OVER EXCAVATION ASSUMES 3' OF UNDOCUMENTED FILL UNDER THE EXISTING BUILDING.

1980 Tarob Court  
Milpitas, CA  
JULY 28, 2016

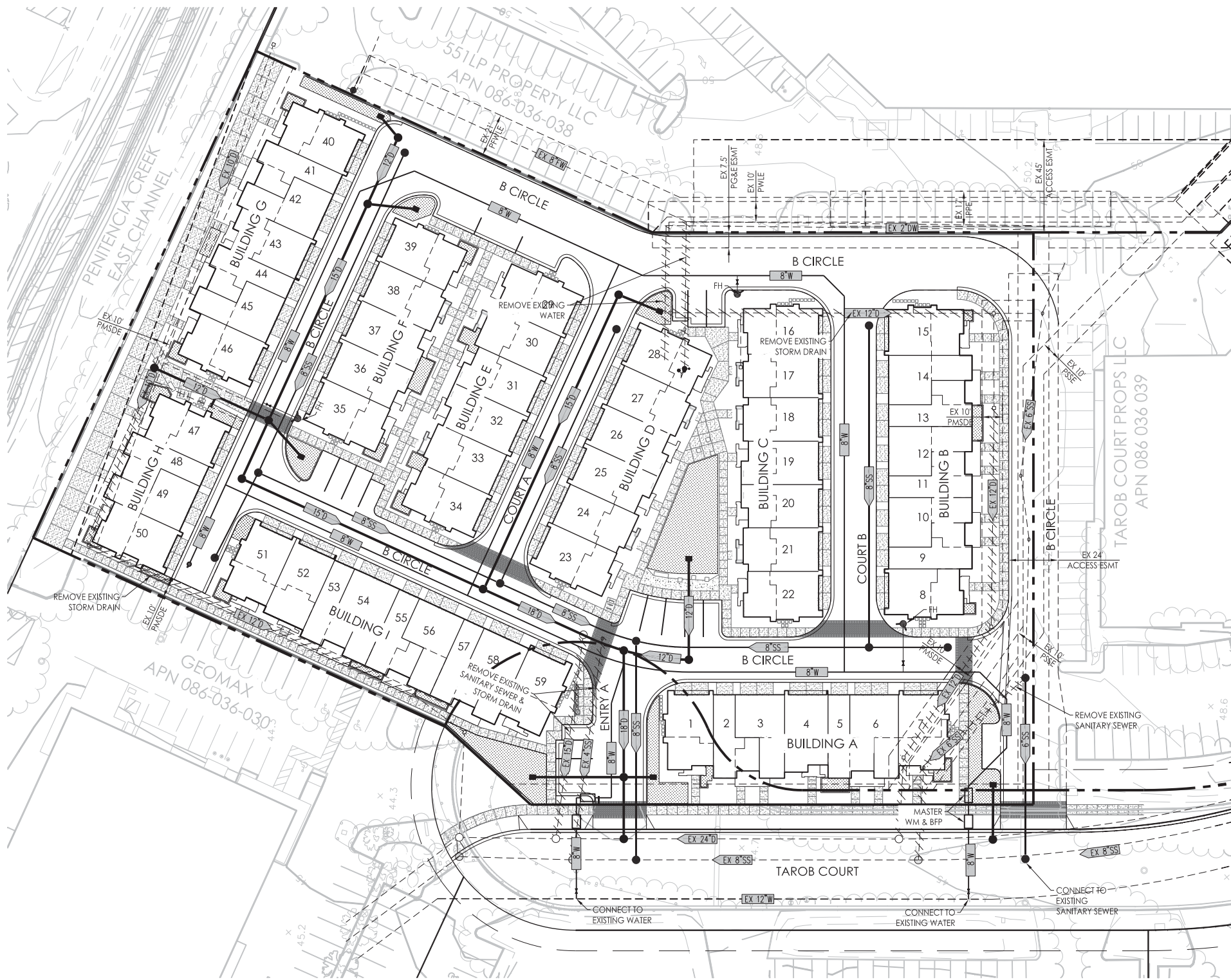
**The True Life Companies**  
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583  
925.824.4300

PRELIMINARY GRADING DRAINAGE PLAN  
TM04



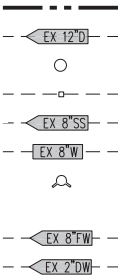
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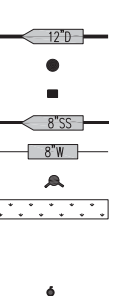


LEGEND

EXISTING



PROPOSED



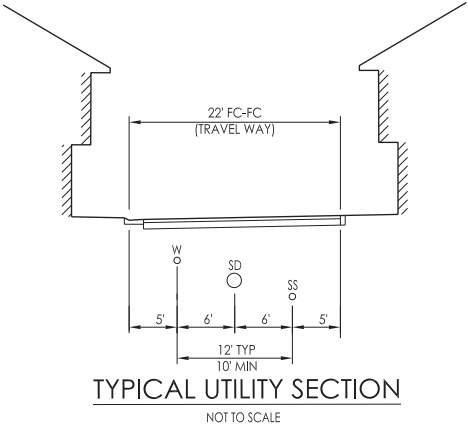
- PROJECT BOUNDARY
- STORM DRAIN PIPE
- MANHOLE
- DROP INLET
- SANITARY SEWER PIPE
- WATER PIPE
- FIRE HYDRANT
- BIO RETENTION
- EXISTING FIRE WATER
- EXISTING DOMESTIC WATER
- BLOW OFF

ABBREVIATIONS

|       |                                     |
|-------|-------------------------------------|
| APN   | ASSESSOR PARCEL NUMBER              |
| ESMT  | EASEMENT                            |
| EX    | EXISTING                            |
| PFWLE | PRIVATE FIRE WATER LINE EASEMENT    |
| PMSDE | PRIVATE MUTUAL STORM DRAIN EASEMENT |
| PPE   | PRIVATE PARKING EASEMENT            |
| PSSE  | PRIVATE SANITARY SEWER EASEMENT     |
| PSUE  | UTILITY EASEMENT PRIVATE SERVICE    |
| PWLE  | PRIVATE WATER LINE EASEMENT         |

UTILITY NOTES

- STORM DRAIN
  - MINIMUM SLOPE: 0.001
  - MINIMUM PIPE SIZE: 12"
  - STORM DRAIN FACILITIES MAY BE RCP OR N-12 PIPE
- SANITARY SEWER
  - MINIMUM SLOPE: 0.0035
- UTILITIES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO CHANGES PENDING FINAL DESIGN. FINAL DESIGN SHALL ADHERE TO CITY OF MILPITAS STANDARDS



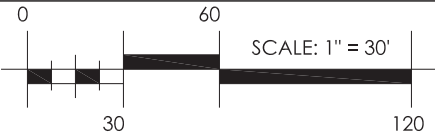
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JULY 28, 2016



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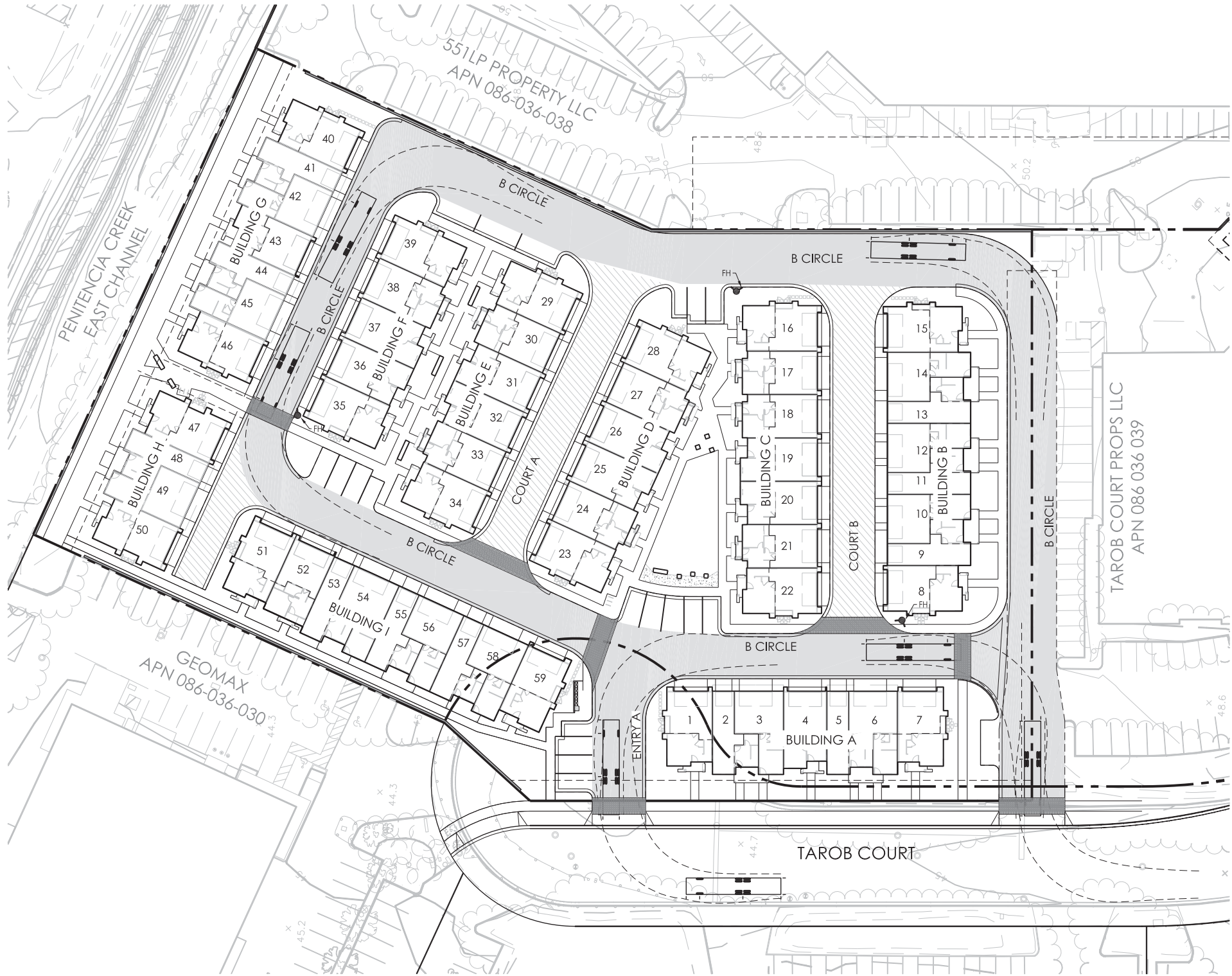
PRELIMINARY UTILITY PLAN  
TM05



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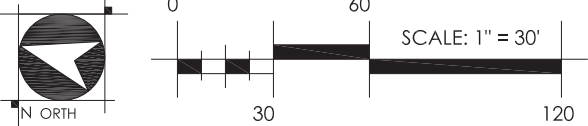




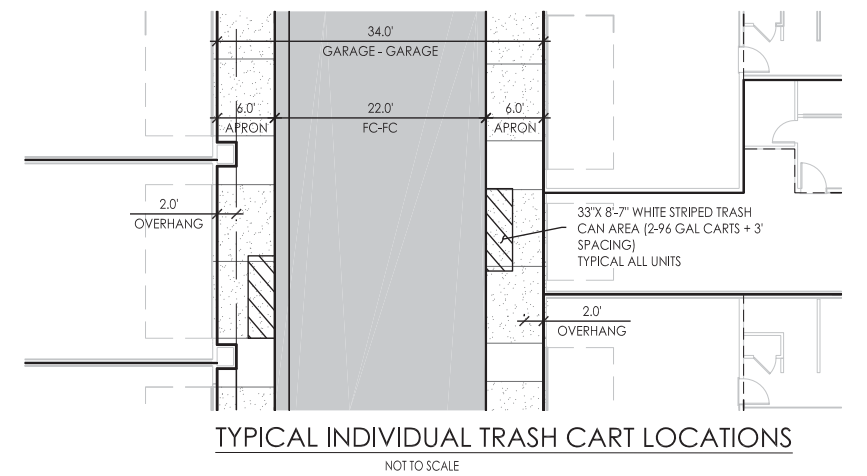
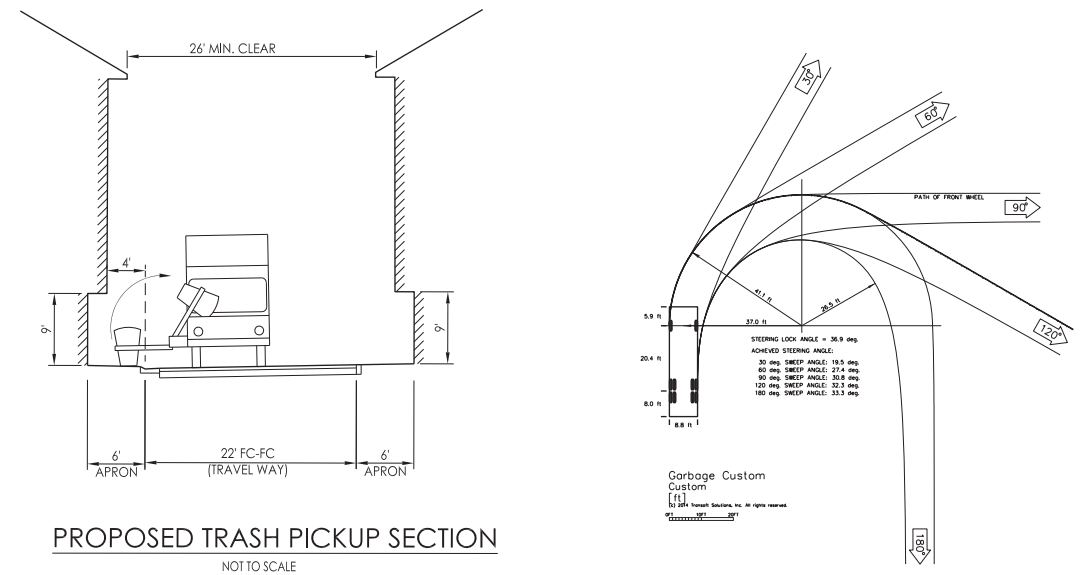
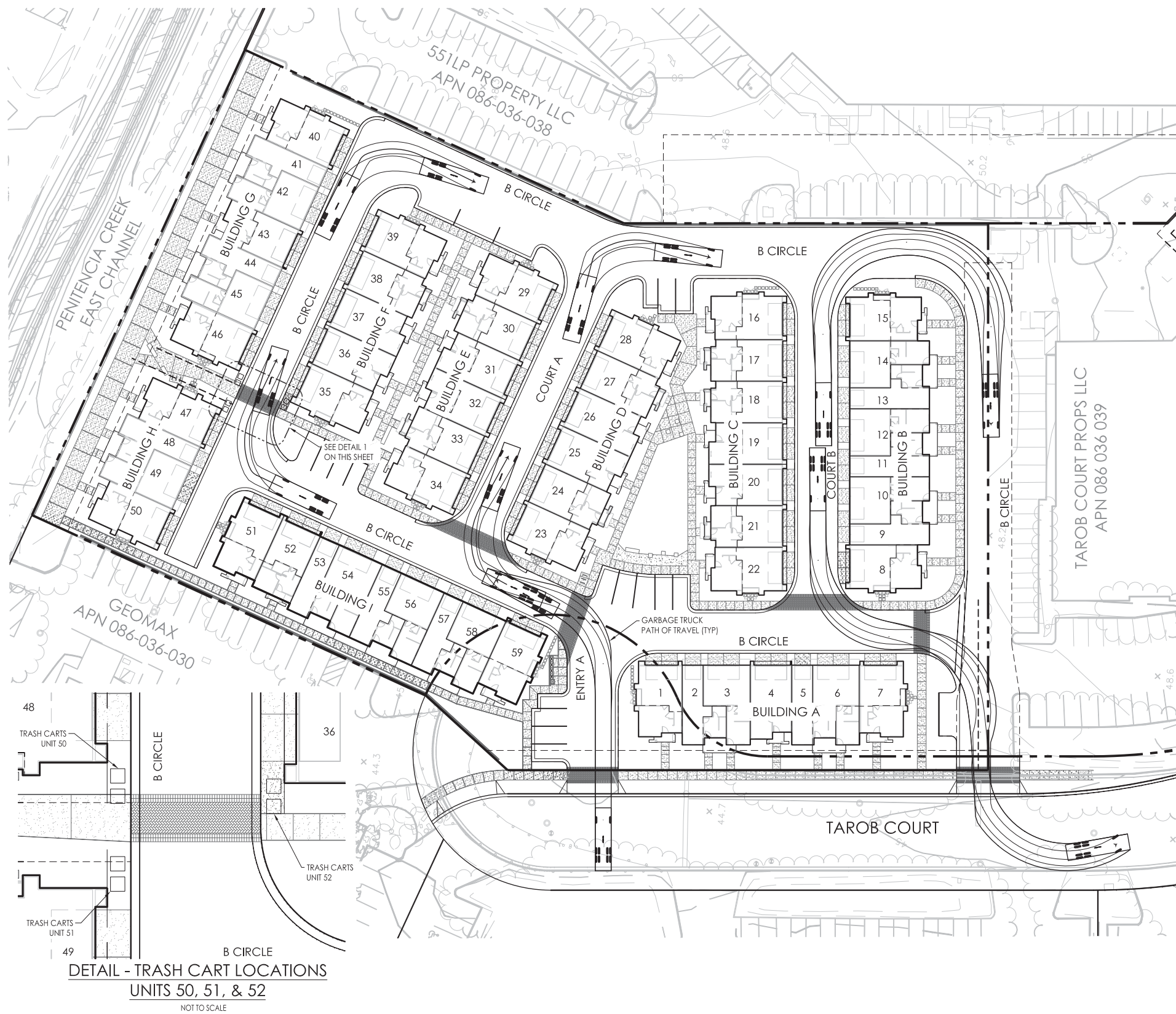
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# FIRE ACCESS PLAN TM06



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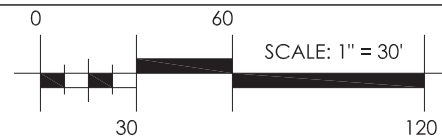
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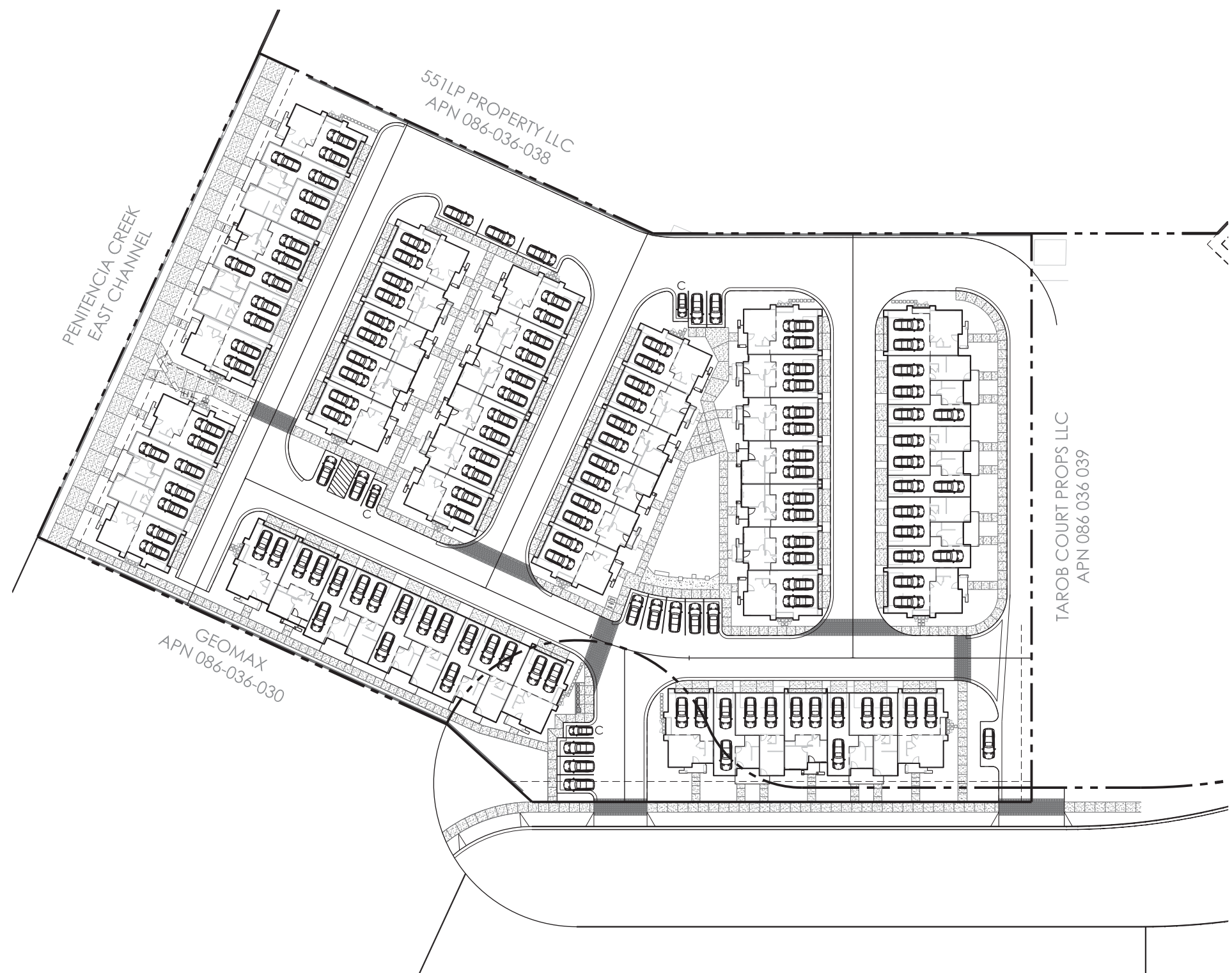
SOLID WASTE ACCESS PLAN  
TM07



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PARKING SUMMARY

| DESCRIPTION     |                  | UNIT COUNT | REQUIRED PARKING RATIO | PARKING REQUIRED | PROVIDED PARKING RATIO | PARKING PROVIDED |
|-----------------|------------------|------------|------------------------|------------------|------------------------|------------------|
| GARAGE          | STANDARD - 3BR*  | 39         | 1.6 SPACES/ DU         | 62               | 2 SPACES/DU            | 78               |
|                 | STANDARD - 4BR** | 20         | 2.6 SPACES/ DU         | 52               | 2 SPACES/DU            | 40               |
|                 | SUBTOTAL         | 59         | -                      | 114              | -                      | 118              |
| ON-STREET GUEST |                  | -          | 20% OF REQUIRED        | 23               | -                      | 19               |
| TOTAL           |                  | 59         | -                      | 137              | -                      | 137              |

\* 11 UNITS HAVE TANDEM GARAGES.  
\*\* OPTIONAL 4TH BEDROOMS ARE LIMITED TO 20 UNITS DUE TO AVAILABLE ON-SITE PARKING.

NOTES:

- GUEST PARKING INCLUDES 1 VAN ACCESSIBLE SPACE
- GUEST PARKING IS BASED ON PRELIMINARY DESIGN. ACTUAL PARKING PROVIDED MAY VARY WITH FINAL DESIGN IN ACCORDANCE WITH MINIMUM GUEST REQUIREMENTS.
- "C" = COMPACT PARKING SPACES

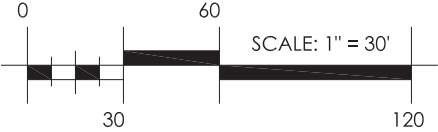
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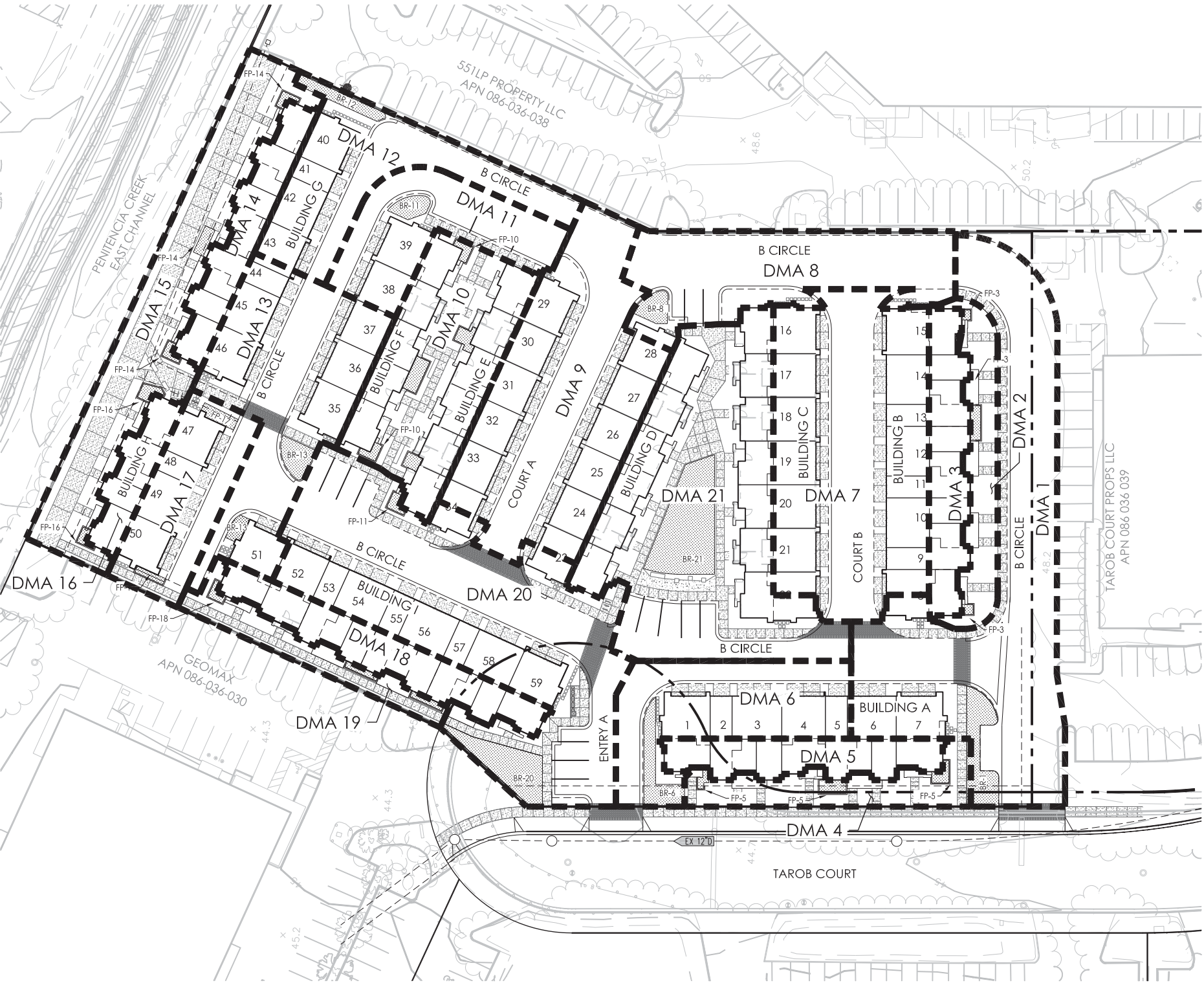
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PARKING PLAN  
TM08



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DRAINAGE MANAGEMENT AREA SUMMARY

| DRAINAGE MANAGEMEN<br>T AREA (DMA) | BUILDING (SF) | STREET (SF) | TOTAL IMPERVIOUS (SF) | TOTAL PERVIOUS (SF) | TOTAL DRAINAGE AREA (SF) | REQUIRED TREATMENT AREA (SF) | PROVIDED TREATMENT AREA (SF) | TREATMENT TYPE       |
|------------------------------------|---------------|-------------|-----------------------|---------------------|--------------------------|------------------------------|------------------------------|----------------------|
| DMA 1                              | 1267          | 10835       | 12102                 | 903                 | 13005                    | 488                          | 619                          | BIO-RETENTION        |
| DMA 2                              | 0             | 0           | 0                     | 2238                | 2238                     | -                            | -                            | SELF-TREATING        |
| DMA 3                              | 2880          | 0           | 2880                  | 0                   | 2880                     | 115                          | 128                          | FLOW-THROUGH PLANTER |
| DMA 4                              | 0             | 0           | 0                     | 1863                | 1863                     | -                            | -                            | SELF-TREATING        |
| DMA 5                              | 2842          | 0           | 2842                  | 0                   | 2842                     | 114                          | 169                          | FLOW-THROUGH PLANTER |
| DMA 6                              | 1881          | 2412        | 4293                  | 827                 | 5120                     | 175                          | 416                          | BIO-RETENTION        |
| DMA 7                              | 5779          | 1333        | 10593                 | 571                 | 11164                    | 3481 <sup>4</sup> (5" DEPTH) | 3481                         | SELF-RETAINING       |
| DMA 8                              | 134           | 4547        | 4681                  | 1345                | 6026                     | 189                          | 189                          | BIO-RETENTION        |
| DMA 9                              | 4563          | 1824        | 9370                  | 918                 | 10288                    | 2983 <sup>4</sup> (5" DEPTH) | 2983                         | SELF-RETAINING       |
| DMA 10                             | 3840          | 1031        | 4871                  | 1865                | 6736                     | 202                          | 390                          | FLOW-THROUGH PLANTER |
| DMA 11                             | 1160          | 2600        | 3760                  | 359                 | 4119                     | 152                          | 160                          | BIO-RETENTION        |
| DMA 12                             | 1548          | 2736        | 4284                  | 817                 | 5101                     | 175                          | 244                          | BIO-RETENTION        |
| DMA 13                             | 3183          | 3229        | 6412                  | 1323                | 7735                     | 262                          | 308                          | BIO-RETENTION        |
| DMA 14                             | 2842          | 0           | 2842                  | 0                   | 2842                     | 114.                         | 177                          | FLOW-THROUGH PLANTER |
| DMA 15                             | 0             | 0           | 0                     | 6715                | 6715                     | -                            | -                            | SELF-TREATING        |
| DMA 16                             | 1461          | 0           | 1461                  | 0                   | 1461                     | 58                           | 87                           | FLOW-THROUGH PLANTER |
| DMA 17                             | 1613          | 1273        | 2886                  | 816                 | 3702                     | 119                          | 149                          | FLOW-THROUGH PLANTER |
| DMA 18                             | 3238          | 0           | 3238                  | 0                   | 3238                     | 130                          | 130                          | FLOW-THROUGH PLANTER |
| DMA 19                             | 1779          | 0           | 1779                  | 0                   | 1779                     | -                            | -                            | SELF-TREATING        |
| DMA 20                             | 3566          | 4678        | 8244                  | 5692                | 13936                    | 353                          | 681                          | BIO-RETENTION        |
| DMA 21                             | 4331          | 2335        | 6666                  | 6215                | 12881                    | 292                          | 1327                         | BIO-RETENTION        |

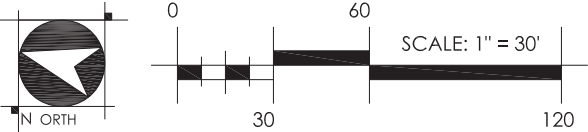
- NOTES:
- ALL TREATMENT MEASURES AND TECHNICAL REQUIREMENTS FOR THIS PROJECT ARE BASED ON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPPP) C.3. STORMWATER HANDBOOK DATED APRIL 2012.
  - REQUIRED SURFACE AREA OF THE BIORETENTION TREATMENT AREA IS EQUAL TO 4% OF THE CONTRIBUTING IMPERVIOUS SURFACE AREA. THIS CALCULATION IS BASED ON THE UNIFORM INTENSITY METHOD ASSUMING A RAINFALL INTENSITY OF 0.2 INCHES PER HOUR AND A BIORETENTION SOIL MIX WITH A 5 INCH/HOUR INFILTRATION RATE.
  - HYDROMODIFICATION IS NOT REQUIRED BECAUSE PROPOSED PROJECT IMPERVIOUS SURFACE IS LESS THAN EXISTING IMPERVIOUS SURFACE ON THE SITE.
  - REQUIRED SURFACE AREA OF THE PERVIOUS PAVERS IS SUPPORTED BY USING THE WATER QUALITY DESIGN VOLUME 80 PERCENT CAPTURE METHOD ASSUMING A MAXIMUM PONDING DEPTH OF 6 INCHES.

- LEGEND
- DRAINAGE MANAGEMENT AREA BOUNDARY
  - BIORETENTION AREA
  - PROPOSED STORM DRAIN
  - DROP INLET
  - BIORETENTION
  - FLOWTHROUGH PLANTER

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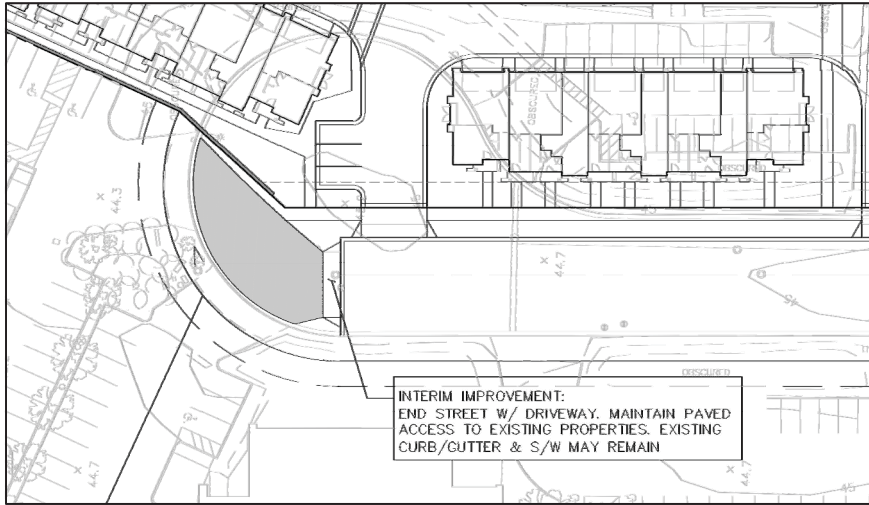
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PRELIMINARY STORMWATER CONTROL PLAN  
TM09

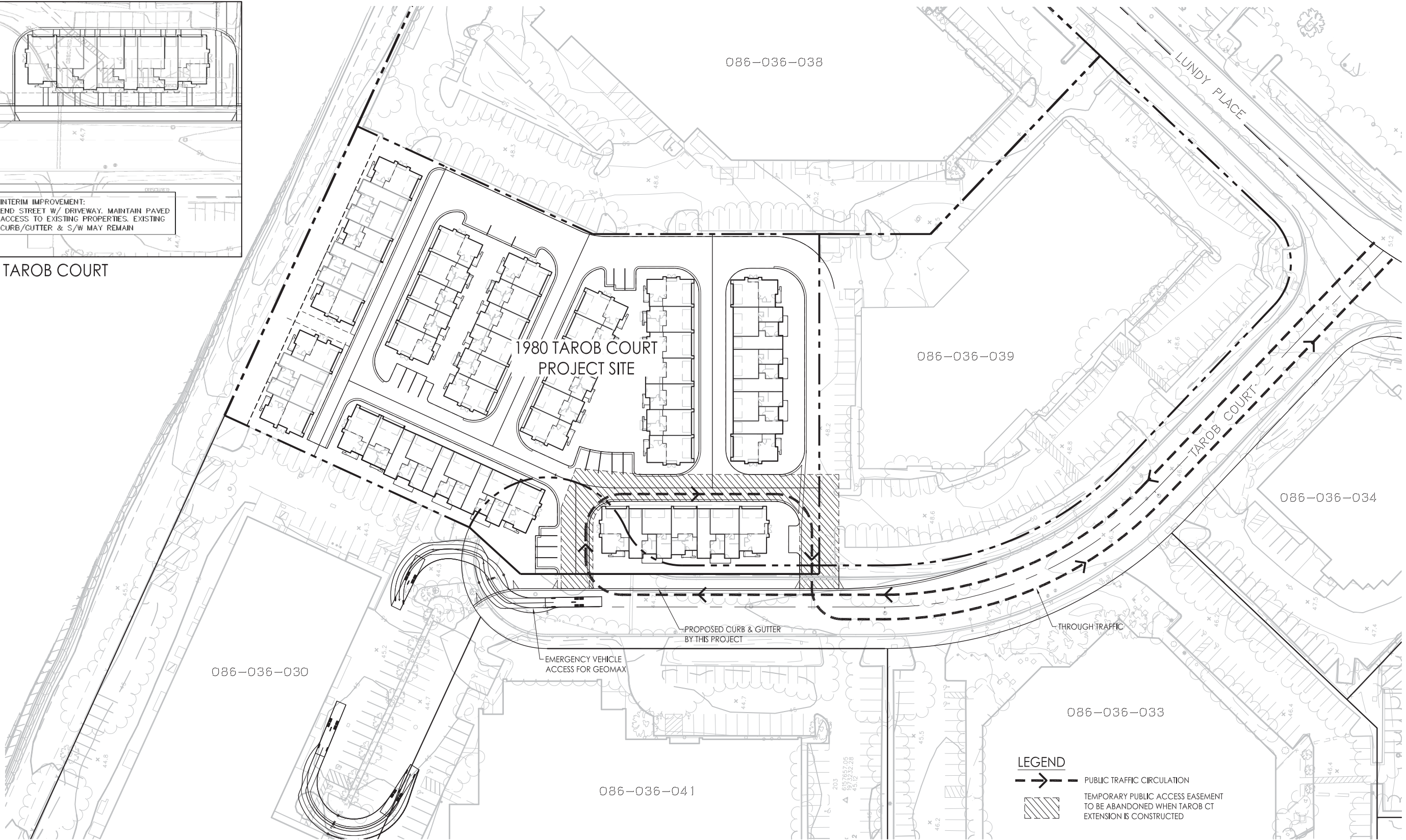


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DETAIL 1: TAROB COURT



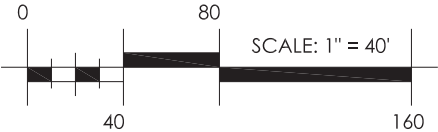
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# INTERIM IMPROVEMENTS TM10



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# RESERVED FOR CONDITIONS OF APPROVAL

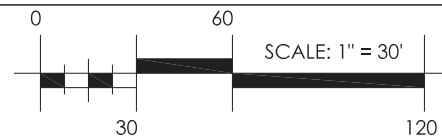
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CONDITIONS OF APPROVAL  
TM 11



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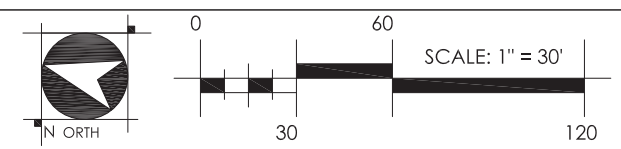


| PLAN MIX |        |    |
|----------|--------|----|
|          | PLAN 1 | 11 |
|          | PLAN 2 | 11 |
|          | PLAN 3 | 19 |
|          | PLAN 4 | 18 |
| TOTALS   |        | 59 |

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# RESIDENTIAL PLAN TYPE MIX P1.0



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**LEGEND**

- PUBLIC OPEN SPACE DEDICATION (0.12 ACRES)
- PRIVATE RECREATIONAL AREA (0.19 ACRES)
- OTHER PRIVATE OPEN SPACE & LANDSCAPING (0.38 ACRES)
- TOTAL LANDSCAPE & OPEN SPACE = 0.69 ACRES
- LANDSCAPING BETWEEN APRONS

| PARK ACREAGE SUMMARY (TASP REQUIREMENT) |  |   |                                      |
|---|--|---|--------------------------------------|
| DESCRIPTION                             | TASP CODE  | REQUIRED PARKS AND OPEN SPACE (AC.)                           | PROVIDED PARK (AC.)                  |
| PARKS AND OPEN SPACE                    | 3.5 ACRES OF PARKLAND PER 1000 POPULATION. UP TO 1.5 OF EACH 3.5 PARK ACRES MAY BE SATISFIED BY THE PROVISION OF PRIVATE RECREATION AREAS. THE REMAINING 2.0 ACRES PER 1000 REQUIREMENT MUST BE SATISFIED BY EITHER DEDICATION OF LAND TO THE CITY FOR PUBLIC PARKS AND OPEN SPACE OR PAYMENT OF AN IN-LIEU FEE. | POPULATOIN = # UNITS X 2.52 PERSONS/UNIT                      | PUBLIC TRAIL DEDICATION = 0.12 ACRES |
|   |  | POPULATION = 59 X 2.52 = 148.68 PERSONS                       | PRIVATE RECREATION AREA = 0.19 ACRES |
|   |  | PARK ACREAGE REQUIRED = 3.5 X 148.68/1000 = 0.52 ACRES        | PUBLIC PARK IN-LIEU = 0.19 ACRES     |
|   |  | PRIVATE RECREATION AREA ALLOWED = 1.5/3.5 X 0.52 = 0.22 ACRES |                                      |

| R3 ZONING CODE OPEN SPACE (MUNI CODE XI-10-4.05.C) |  |                                      |   |
|--|--|--------------------------------------|---|
| DESCRIPTION  | CODE REQUIREMENT   | REQUIRED AREA (AC.)                  | PROVIDED AREA (AC.)   |
| LANDSCAPE AND OPEN SPACE REQUIREMENTS              | A MINIMUM OF TWENTY-FIVE (25) PERCENT OF THE TOTAL LOT AREA SHAL BE LANDSCAPED OR RECREATIONAL OPEN SPACE, EXCLUSIVE OF PARKING AND VEHICULAR TRAFFIC AREA AND SHALL BE SHOWN ON SITE PLAN IN DETAIL FOR PLANNING COMMISSION APPROVAL.   | 25% X 2.6 = 0.65 ACRES               | 0.69 ACRES (26.5%)  |
|  | AN AVERAGE OF TWO HUNDRED SQUARE FEET OF USABLE OPEN SPACE SHALL BE PROVIDED FOR EACH DWELLING UNIT. "USABLE OPEN SPACE" SHALL MEAN ANY OPEN SPACE, THE SMALLEST DIMENSION OF WHICH IS AT LEAST 4 1/2 FEET AND WHICH IS NOT USED AS STORAGE OR FOR MOVEMENT OF MOTOR VEHICLES; EXCEPT THAT YARDS ABUTTING A PUBLIC STREET, WHICH ARE NOT ADEQUATELY SCREENED FOR PRIVACY, IN THE OPINION OF THE PLANNING COMMISSION, SHALL NOT QUALIFY AS USABLE OPEN SPACE. BALCONIES, PORCHES, OR ROOF DECKS MAY BE CONSIDERED USABLE OPEN SPACE WHEN PROPERLY DEVELOPED FOR WORK, PLAY OR OUTDOOR LIVING AREAS. AT LEAST THIRTY (30) PERCENT OF REQUIRED OPEN SPACE SHALL BE CONTIGUOUS TO AND PROVIDE FOR PRIVATE USABLE OPEN SPACE OF THE INDIVIDUAL DWELLING UNIT. | 200 X 59 = 11,800 SQ FT = 0.27 ACRES | PRIVATE RECREATIONAL AREA = 0.19 ACRES  |
|  |  |                                      | PRIVATE OPEN SPACE (BALCONIES & PORCHES) = 68 SF/UNIT = 68 X 59 = 4,012 SF = 0.09 ACRES |
|  |  |                                      | TOTAL PRIVATE OPEN SPACE = 0.28 ACRES = 207 SF/UNIT                                     |

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0 30 60 120

SCALE: 1" = 30'

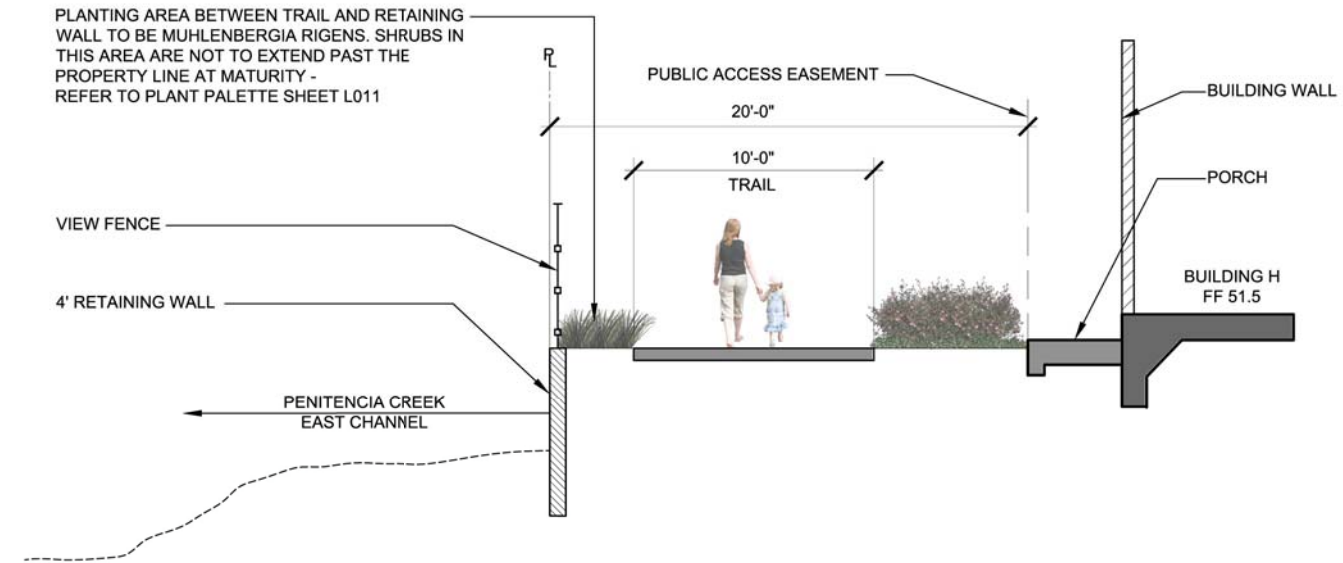
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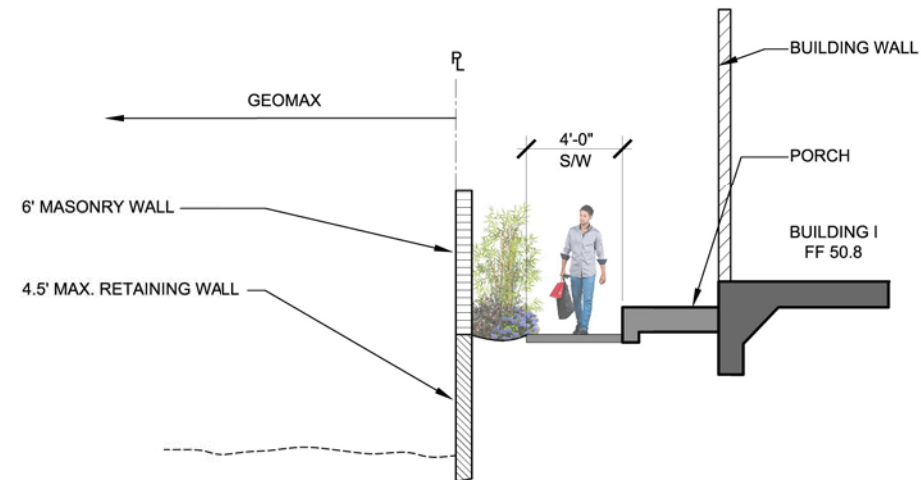






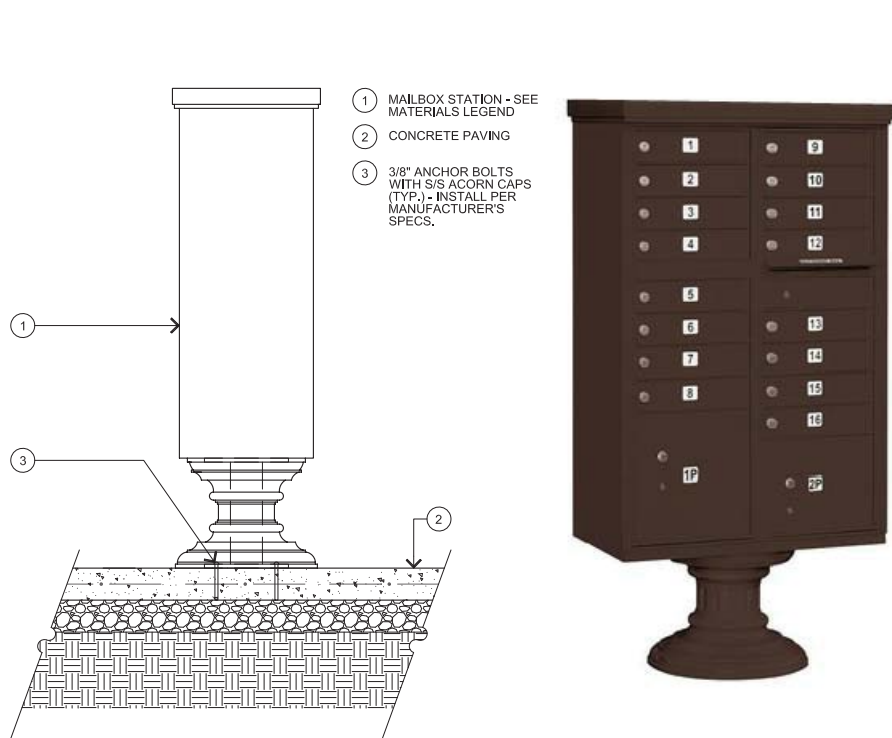
### Section AA

SCALE: 1/4" = 1'-0"  
(GARDEN STREET)



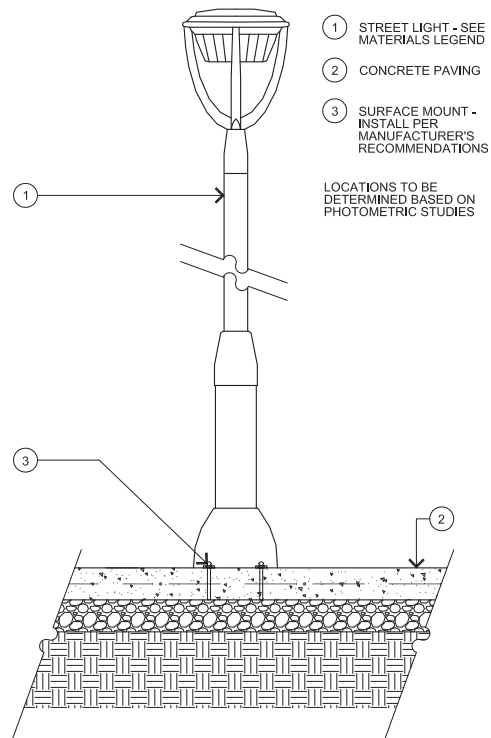
### Section BB

SCALE: 1/4" = 1'-0"  
(GARDEN STREET)



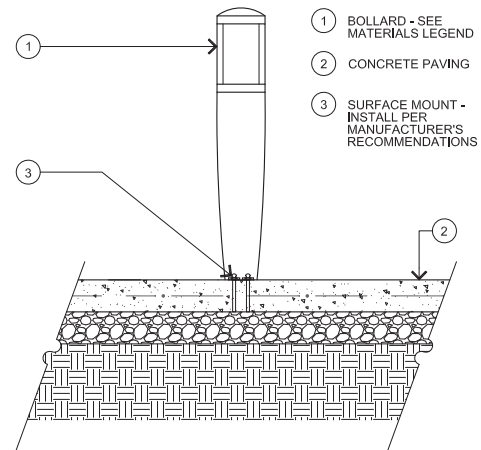
Mailbox Stations - finish to be dark bronze

SCALE: 1"= 1'-0"



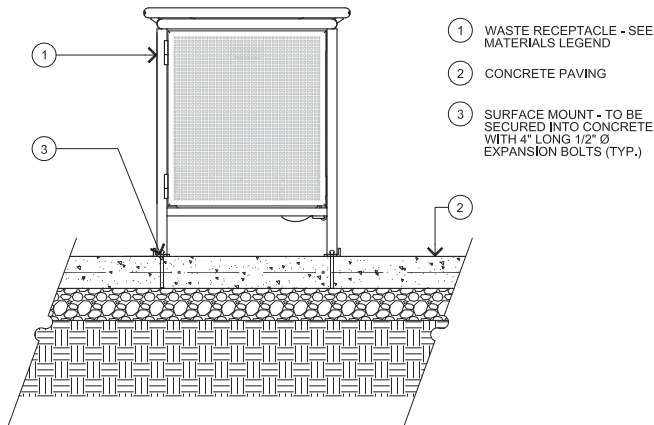
Street Light - finish to be dark bronze

SCALE: 1"= 1'-0"



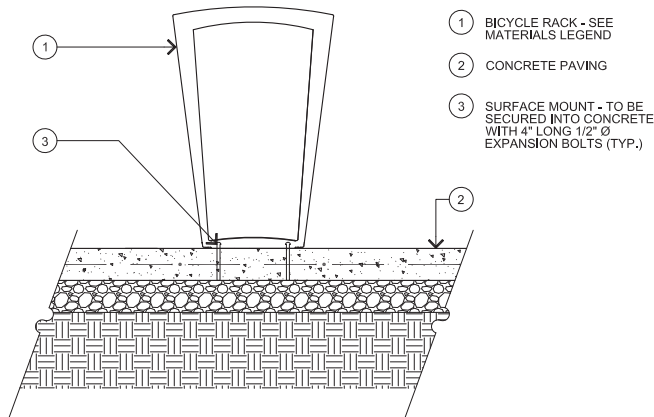
Illuminated Bollard (paseo) - finish to be dark bronze

SCALE: 1"= 1'-0"



Waste Receptacle - finish to be dark bronze

SCALE: 1"= 1'-0"



Bicycle Rack - finish to be dark bronze

SCALE: 1"= 1'-0"







Concrete with Alternating Finish



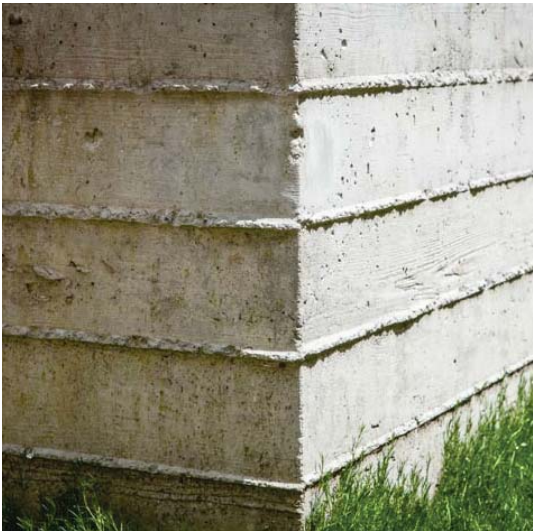
Stamped Asphalt



Concrete Steps with Cheekwall



Precast Concrete Retaining & Freestanding Wall



Board-Form Concrete Seatwall



Metal View Fence Over Split-Face Retaining Wall  
Metal to be dark bronze, split-face to match architecture



Air Condenser Screen  
Wood to be stained to match architecture

Tarob Court  
Milpitas, CA  
July 28, 2016

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LANDSCAPE ARCHITECTURE  
201 4th street suite 101B oakland, ca 94607  
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3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.straussdesign.com



Site Furnishings  
L004



IRRIGATION NOTES

1. THESE IRRIGATION DRAWINGS ARE DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. ALL PIPING, VALVES, AND OTHER IRRIGATION COMPONENTS MAY BE SHOWN WITHIN PAVED AREAS FOR GRAPHIC CLARITY ONLY AND ARE TO BE INSTALLED WITHIN PLANTING AREAS. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, CONDUIT, AND OTHER ITEMS WHICH MAY BE REQUIRED. IN THE EVENT OF FIELD DISCREPANCY WITH CONTRACT DOCUMENTS, PLAN THE INSTALLATION WORK ACCORDINGLY BY NOTIFICATION AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE AND ACCORDING TO THE CONTRACT SPECIFICATIONS. NOTIFY AND COORDINATE IRRIGATION CONTRACT WORK WITH APPLICABLE CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE, CONDUIT OR SLEEVES THROUGH OR UNDER WALL, ROADWAYS, PAVING AND STRUCTURES BEFORE CONSTRUCTION. IN THE EVENT THESE NOTIFICATIONS ARE NOT PERFORMED, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR REQUIRED REVISIONS.
2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, STANDARDS, AND REGULATIONS. ALL WORK AND MATERIALS SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL ELECTRIC CODE; THE UNIFORM PLUMBING CODE, PUBLISHED BY THE WESTERN PLUMBING OFFICIALS ASSOCIATION; AND OTHER STATE OR LOCAL LAWS OR REGULATIONS. NOTHING IN THESE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES OR REGULATIONS. THE CONTRACTOR SHALL FURNISH WITHOUT ANY EXTRA CHARGE, ANY ADDITIONAL MATERIAL AND LABOR WHEN REQUIRED BY THE COMPLIANCE WITH THESE CODES AND REGULATIONS.
3. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF IRRIGATION SYSTEM WITH LAYOUT AND INSTALLATION OF THE PLANT MATERIALS TO INSURE THAT THERE WILL BE COMPLETE AND UNIFORM IRRIGATION COVERAGE OF PLANTING IN ACCORDANCE WITH THESE DRAWINGS, AND CONTRACT DOCUMENTS. THE IRRIGATION LAYOUT SHALL BE CHECKED BY THE CONTRACTOR AND OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO CONSTRUCTION TO DETERMINE IF ANY CHANGES, DELETIONS, OR ADDITIONS ARE REQUIRED. IRRIGATION SYSTEM SHALL BE INSTALLED AND TESTED PRIOR TO INSTALLATION OF PLANT MATERIAL.
4. THE INTENT OF THIS IRRIGATION SYSTEM IS TO PROVIDE THE MINIMUM AMOUNT OF WATER REQUIRED TO SUSTAIN GOOD PLANT HEALTH.
5. IT IS THE RESPONSIBILITY OF THE MAINTENANCE CONTRACTOR AND/OR OWNER TO PROGRAM THE IRRIGATION CONTROLLER(S) TO PROVIDE THE MINIMUM AMOUNT OF WATER NEEDED TO SUSTAIN GOOD PLANT HEALTH. THIS INCLUDES MAKING ADJUSTMENTS TO THE PROGRAM FOR SEASONAL WEATHER CHANGES, PLANT MATERIAL, WATER REQUIREMENTS, MOUNDS, SLOPES, SUN, SHADE AND WIND EXPOSURE.
6. IT IS THE RESPONSIBILITY OF A LICENSED ELECTRICAL CONTRACTOR TO PROVIDE 120 VOLT A.C. (2.5 AMP DEMAND PER CONTROLLER) ELECTRICAL SERVICE TO THE CONTROLLER LOCATION(S). IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO COORDINATE THE ELECTRICAL SERVICE. STUB-OUT TO THE CONTROLLER(S). PROVIDE PROPER GROUNDING PER CONTROLLER MANUFACTURER'S INSTRUCTIONS AND IN ACCORDANCE WITH LOCAL CODES.
7. PROVIDE EACH IRRIGATION CONTROLLER WITH ITS OWN INDEPENDENT LOW VOLTAGE COMMON GROUND WIRE.
8. INSTALL NEW BATTERIES IN THE IRRIGATION CONTROLLER(S) TO RETAIN PROGRAM IN MEMORY DURING TEMPORARY POWER FAILURES. USE QUANTITY, TYPE AND SIZE REQUIRED AS PER CONTROLLER MANUFACTURER'S INSTRUCTIONS.
9. IRRIGATION CONTROL WIRES: SOLID COPPER WITH U.L. APPROVAL FOR DIRECT BURIAL IN GROUND. COMMON GROUND WIRE: SIZE #12-1 WIRE WITH A WHITE INSULATING JACKET. CONTROL WIRE SERVICING REMOTE CONTROL VALVES: SIZE #14-1 WIRE WITH INSULATING JACKET OF COLOR OTHER THAN WHITE. SPLICES SHALL BE MADE WITH 3M-DBY SEAL PACKS OR APPROVED EQUAL.
10. INSTALL TWO SPARE CONTROL WIRES OF A DIFFERENT COLOR ALONG THE ENTIRE MAIN

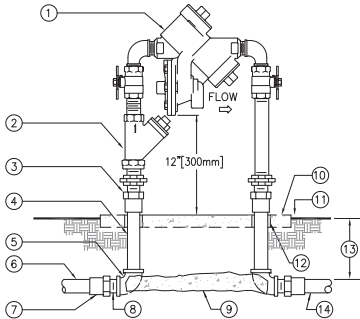
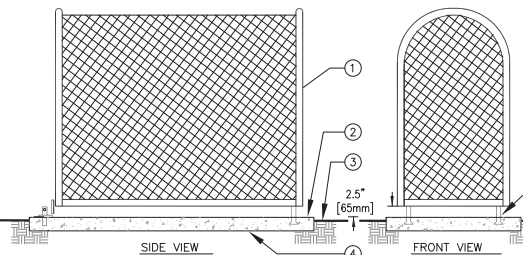
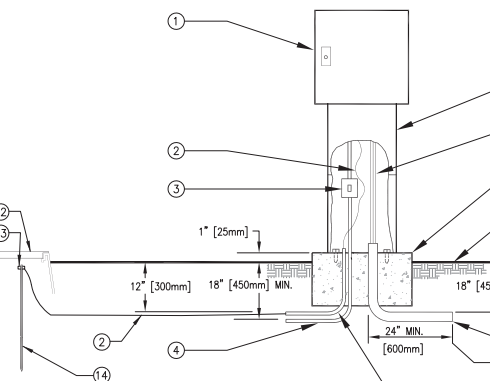
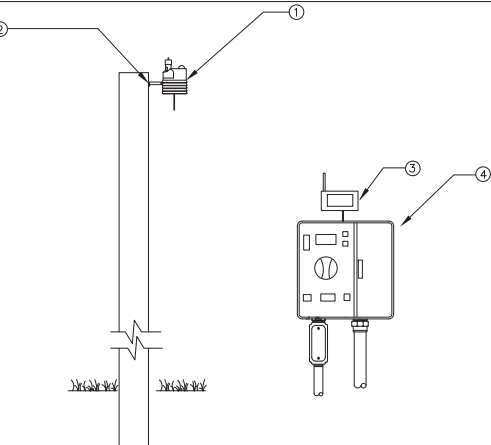
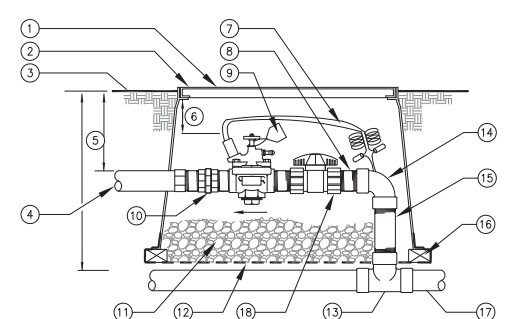
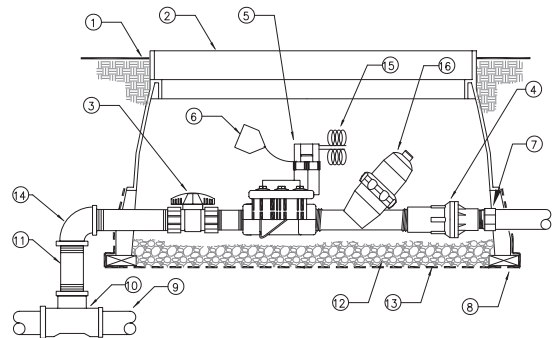
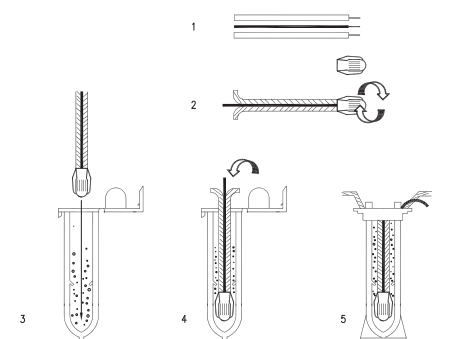
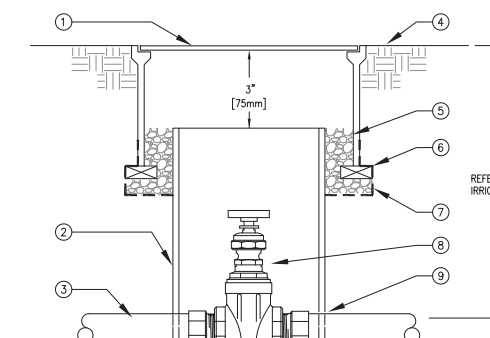
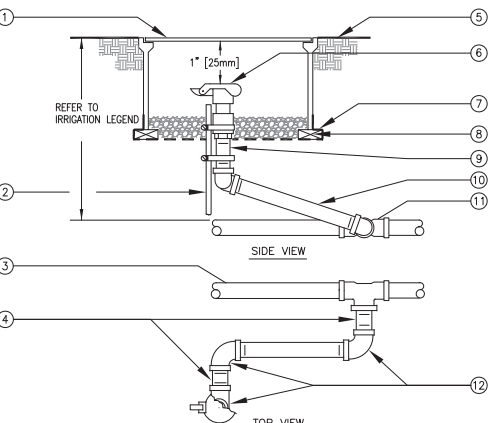
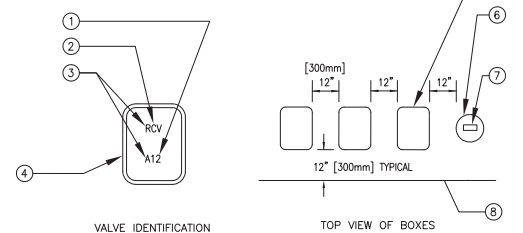
11. SPlicing OF LOW VOLTAGE WIRES IS PERMITTED IN VALVE BOXES ONLY. LEAVE A 36" LONG, 1" DIAMETER COIL OF EXCESS WIRE AT EACH SPLICE AND A 36" LONG EXPANSION LOOP EVERY 100 FEET ALONG WIRE RUN. TAPE WIRES TOGETHER EVERY TEN FEET. DO NOT TAPE WIRES TOGETHER WHERE CONTAINED WITHIN SLEEVING OR CONDUIT.
12. INSTALL BLACK PLASTIC VALVE BOXES WITH BOLT DOWN, NON HINGED COVER MARKED "IRRIGATION". BOX BODY SHALL HAVE KNOCK OUTS. ACCEPTABLE VALVE BOX MANUFACTURER'S INCLUDE NDS, CARSON OR APPROVED EQUAL.
13. INSTALL REMOTE CONTROL VALVE BOXES 12" FROM WALK, CURB, BUILDING OR LANDSCAPE FEATURE. AT MULTIPLE VALVE BOX GROUPS, INSTALL EACH BOX AN EQUAL DISTANCE FROM THE WALK, CURB, BUILDING OR LANDSCAPE FEATURE AND PROVIDE 12" BETWEEN BOX TOPS. ALIGN THE SHORT SIDE OF RECTANGULAR VALVE BOXES PARALLEL TO WALK, CURB, BUILDING OR LANDSCAPE FEATURE.
14. VALVE LOCATIONS SHOWN ARE DIAGRAMMATIC. INSTALL IN GROUND COVER/SHRUB AREAS (AVOID LAWN AREAS WHERE POSSIBLE).
15. THE CONTRACTOR SHALL LABEL CONTROL LINE WIRE AT EACH REMOTE CONTROL VALVE WITH A 2 1/4" X 2 3/4" POLYURETHANE I.D. TAG, INDICATING IDENTIFICATION NUMBER OF VALVE (CONTROLLER AND STATION NUMBER). ATTACH LABEL TO CONTROL WIRE. THE CONTRACTOR SHALL PERMANENTLY STAMP ALL VALVE BOX LIDS WITH APPROPRIATE IDENTIFICATION AS NOTED IN CONSTRUCTION DETAILS.
16. INSTALL A GATE VALVE TO ISOLATE EACH REMOTE CONTROL VALVE OR GROUP OF RCV'S LOCATED TOGETHER. GATE VALVE SIZE SHALL BE SAME AS THE LARGEST REMOTE CONTROL VALVE IN MANIFOLD.
17. FLUSH AND ADJUST IRRIGATION OUTLETS AND NOZZLES FOR OPTIMUM PERFORMANCE AND TO PREVENT OVER SPRAY ONTO WALKS, ROADWAYS, AND/OR BUILDINGS. SELECT THE BEST DEGREE OF THE ARC AND RADIUS TO FIT THE EXISTING SITE CONDITIONS AND THROTTLE THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH CONTROL ZONE.
18. SET SPRINKLER HEADS PERPENDICULAR TO FINISH GRADE.
19. INSTALL NON POP-UP ROTARY SPRINKLERS 24" FROM WALKS AND CURBS.
20. LOCATE EMITTER OUTLETS ON UPHILL SIDE OF PLANT OR TREE.
21. LOCATE BUBBLERS ON UPHILL SIDE OF PLANT OR TREE.
22. INSTALL A HUNTER HCV SERIES, KBI CV SERIES, OR APPROVED EQUAL SPRING LOADED CHECK VALVE IN SPRINKLER RISER ASSEMBLIES WHERE LOW OUTLET DRAINAGE WILL CAUSE EROSION AND/OR EXCESS WATER.
23. WHERE IT IS NECESSARY TO EXCAVATE ADJACENT TO EXISTING TREES, USE CAUTION TO AVOID INJURY TO TREES AND TREE ROOTS. EXCAVATE BY HAND IN AREAS WHERE TWO (2) INCH AND LARGER ROOTS OCCUR. BACK FILL TRENCHES ADJACENT TO TREE WITHIN TWENTY-FOUR (24) HOURS. WHERE THIS IS NOT POSSIBLE, SHADE THE SIDE OF THE TRENCH ADJACENT TO THE TREE WITH WET BURLAP OR CANVAS.
24. NOTIFY LOCAL JURISDICTIONS FOR INSPECTION AND TESTING OF INSTALLED BACKFLOW PREVENTION DEVICE.
25. THE SPRINKLER SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.

26. IRRIGATION DEMAND: REFER TO PLANS.
27. PIPE SIZING SHOWN ON THE DRAWINGS IS TYPICAL. AS CHANGES IN LAYOUT OCCUR DURING STAKING AND CONSTRUCTION THE SIZE MAY NEED TO BE ADJUSTED ACCORDINGLY.
28. PIPE THREAD SEALANT COMPOUND SHALL BE RECTOR SEAL #5.
29. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MINOR CHANGES IN THE IRRIGATION LAYOUT DUE TO OBSTRUCTIONS NOT SHOWN ON THE IRRIGATION DRAWINGS SUCH AS LIGHTS, FIRE HYDRANTS, SIGNS, ELECTRICAL ENCLOSURES, ETC.
30. WHEN WORK OF THIS SECTION HAS BEEN COMPLETED AND SUCH OTHER TIMES AS MAY BE DIRECTED, REMOVE ALL TRASH, DEBRIS, SURPLUS MATERIALS AND EQUIPMENT FROM SITE.

IRRIGATION LEGEND

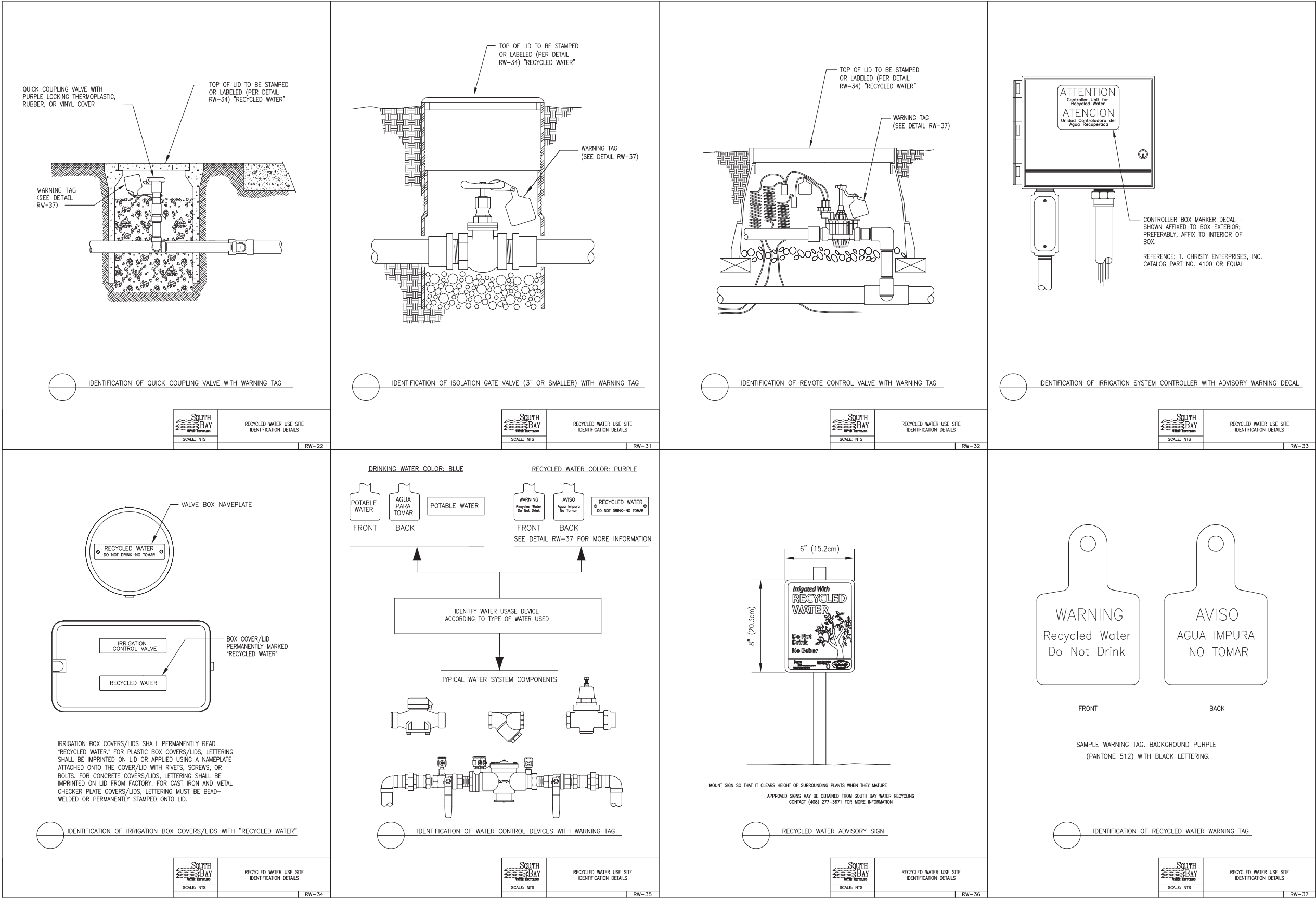
| SYMBOL | MODEL NUMBER                      | DESCRIPTION  | NOZZLE GPM         | OPERATING PSI | OPERATING RADIUS (FEET) |
|--------|-----------------------------------|--|--------------------|---------------|-------------------------|
|        | 570Z-6P-PRX-COM/<br>0-T-15-F,H,Q  | TORO POP-UP SPRAY SPRINKLER (TURF)   | 2,3,1.16,<br>0.58  | 30            | 12-15                   |
|        | 570Z-6P-PRX-COM/<br>0-T-12-F,H,Q  | TORO POP-UP SPRAY SPRINKLER (TURF)   | 1.5,0.75,.37       | 30            | 10-12                   |
|        | 570Z-6P-PRX-COM/<br>0-T-10-F,H,Q  | TORO POP-UP SPRAY SPRINKLER (TURF)   | 1.03,0.51,<br>0.23 | 30            | 8-10                    |
|        | 570Z-12P-PRX-COM/<br>0-T-15-F,H,Q | TORO POP-UP SPRAY SPRINKLER (SHRUB)  | 2,3,1.16,<br>0.58  | 30            | 12-15                   |
|        | 570Z-12P-PRX-COM/<br>0-T-12-F,H,Q | TORO POP-UP SPRAY SPRINKLER (SHRUB)  | 1.5,0.75,.37       | 30            | 10-12                   |
|        | 570Z-12P-PRX-COM/<br>0-T-10-F,H,Q | TORO POP-UP SPRAY SPRINKLER (SHRUB)  | 1.03,0.51,<br>0.23 | 30            | 8-10                    |
|        | 570S/FB-25-PC                     | TORO BUBBLER, 1 PER SHRUB  | 0.25               | 30            | TRICKLE                 |
|        | 570S/FB-50-PC                     | TORO BUBBLER, 2 PER TREE   | 0.5                | 30            | TRICKLE                 |
|        | T-YD-500-34                       | TORO AIR RELIEF VALVE  |                    |               |                         |
|        | FCH-H-FIPT                        | TORO FLUSH VALVE   |                    |               |                         |
|        | T-DL-MP9                          | TORO DRIP ZONE INDICATOR   |                    |               |                         |
|        | P-220-26-6                        | TORO MASTER VALVE (NORMALLY CLOSED)  |                    |               |                         |
|        | TFS-150                           | TORO FLOW SENSOR   |                    |               |                         |
|        | P-220-26 SERIES                   | TORO REMOTE CONTROL VALVE  |                    |               |                         |
|        | P220-27-04/<br>T-ALFD10150-L      | TORO REMOTE CONTROL VALVE WITH A PRESSURE REGULATOR (SET TO 45 PSI) AND A 1" DISC FILTER   |                    |               |                         |
|        | 33 DNP                            | RAIN BIRD QUICK COUPLING VALVE   |                    |               |                         |
|        | T113-K                            | NIBCO GATE VALVE (LINE SIZE)-2.5" AND SMALLER.   |                    |               |                         |
|        | 975XLSEU-2"                       | WILKINS REDUCED PRESSURE BACKFLOW ASSEMBLY   |                    |               |                         |
|        | MC-30E/CL-R1                      | IRRITROL MC-E CONTROLLER IN A PEDESTAL ENCLOSURE WITH MAINTENANCE REMOTE. USE IN CONJUNCTION WITH CLIMATE LOGIC WEATHER SENSING SYSTEM.  |                    |               |                         |
|        | CL-100-WIRELESS                   | IRRITROL CLIMATE LOGIC WEATHER SENSING SYSTEM. AUTOMATICALLY GATHERS ON-SITE WEATHER INFORMATION AND CALCULATES WATER REQUIREMENTS AND WATERING SCHEDULES.   |                    |               |                         |
|        |                                   | CONTROLLER AND STATION NUMBER  |                    |               |                         |
|        |                                   | FLOW (GPM)   |                    |               |                         |
|        |                                   | REMOTE CONTROL VALVE SIZE (IN INCHES)<br>ASSOCIATED REMOTE CONTROL VALVE   |                    |               |                         |
|        |                                   | CONTROLLER AND STATION NUMBER  |                    |               |                         |
|        |                                   | AREA (SQ. FT.)<br>FLOW (GPM)   |                    |               |                         |
|        |                                   | REMOTE CONTROL VALVE SIZE (IN INCHES)<br>ASSOCIATED REMOTE CONTROL VALVE   |                    |               |                         |
|        |                                   | MAIN LINE: 2 1/2" AND SMALLER:<br>1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 18" COVER.   |                    |               |                         |
|        |                                   | LATERAL LINE: 3/4" AND LARGER:<br>1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.   |                    |               |                         |
|        |                                   | SLEEVING: SCHEDULE 40 PVC PLASTIC PIPE. COVER TO BE AS INDICATED IN SPECIFICATIONS OR AS INDICATED ABOVE FOR PIPE DEPTH OF COVER.  |                    |               |                         |
|        |                                   | DRIP ZONE: TORO DL2000 SERIES DRIPLINE WITH LOC-EZE FITTINGS, PART #RGP-212. TUBING TO BE INSTALLED 4" BELOW GRADE IN A 12" O.C. GRID ACCORDING TO DETAILS. MINIMUM PIPE SIZE OF PVC LATERAL LINE WITHIN DRIP AREAS TO BE 1". EXTEND PVC HEADERS TO THE ENDS OF ALL DRIP ZONES TO BALANCE FLOW. SEE DETAILS FOR FURTHER INFORMATION. |                    |               |                         |
|        |                                   | DRIP ZONE: TORO BLUE STRIPE POLYETHYLENE HOSE. INSTALL ON-GRADE AS DETAILED. SEE DETAILS FOR INSTALLATION AND PART NUMBERS. INSTALL A END CLAMP AT THE END OF EACH DRIP ZONE REGION.   |                    |               |                         |
|        |                                   | FLOW SENSOR/<br>MASTER CABLE: APPROXIMATE ROUTING OF FLOW SENSOR AND MASTER VALVE WIRES IN SEPARATE 1" CONDUITS. REFER TO DETAILS FOR MORE INFORMATION.  |                    |               |                         |

Tarob Court  
Milpitas, CA  
July 28, 2016

|   |   |   |  |   |
|---|---|---|--|---|
|  <p>1 REDUCED PRESSURE BACKFLOW ASSEMBLY.</p> <p>2 YB "Y" STRAINER SYSTEM (AS REQUIRED).</p> <p>3 WROUGHT COPPER MALE ADAPTER-2 TOTAL (SOLDER x THREAD CONNECTION).</p> <p>4 COPPER TYPE "K" PIPE (LENGTH AS REQUIRED).</p> <p>5 WROUGHT COPPER 90° ELBOW-2 TOTAL (SOLDER x THREAD CONNECTION).</p> <p>6 PVC MAIN LINE TO POINT OF CONNECTION.</p> <p>7 BUSH AS NECESSARY FOR SIZE TRANSITION.</p> <p>8 SCHEDULE 40 PVC MALE ADAPTER-2 TOTAL.</p> <p>9 CONCRETE SUPPORT BLOCK.</p> <p>10 CONCRETE PAD-SEE ENCLOSURE DETAIL.</p> <p>11 FINISH GRADE.</p> <p>12 PVC SLEEVE BOTH SIDES.</p> <p>13 REFER TO IRRIGATION LEGEND</p> <p>14 PVC MAIN LINE TO IRRIGATION SYSTEM.</p> <p>NOTES:</p> <ol style="list-style-type: none"> <li>1. INSTALL A FREEZE PREVENTATIVE BLANKET AROUND BACKFLOW ASSEMBLY. BLANKET SHALL BE GREEN.</li> <li>2. DO NOT SOLDER CONNECT FITTINGS WHILE THREADED INTO BACKFLOW ASSEMBLY. THIS MAY CAUSE DAMAGE TO DEVICE.</li> <li>3. NIPPLES AND FITTINGS TO BE SAME IPT SIZE AS BACKFLOW ASSEMBLY.</li> <li>4. PROVIDE A STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE. INSTALL ENCLOSURE TO CONCRETE BASE AS DIRECTED BY MANUFACTURER.</li> </ol> |  <p>1 STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE</p> <p>2 SET PAD 1/2" [13mm] ABOVE FINISH GRADE</p> <p>3 FINISH GRADE</p> <p>4 6" [150mm] THICK CONCRETE PAD FOR ENCLOSURE SUPPORT TO EXTEND 6" [150mm] BEYOND ENCLOSURE ON ALL SIDES. CONCRETE TO HAVE MEDIUM BROOM FINISH.</p> <p>5 MOUNTING BRACKETS (STANDARD WITH ENCLOSURE) TO BE SET INTO CONCRETE PAD. PROVIDE LOCKING TAB TO ACCEPT PADLOCK PER MANUFACTURER'S INSTRUCTION.</p>   |  <p>1 IRRIGATION CONTROLLER.</p> <p>2 #6 BARE COPPER GROUND WIRE.</p> <p>3 120 VOLT LOCKABLE WEATHERPROOF ON/OFF SWITCH PROVIDED UNDER IRRIGATION CONTRACT.</p> <p>4 120 VOLT A.C. ELECTRICAL SERVICE FROM SOURCE TO CONTROLLER LOCATION PROVIDED BY CONTRACTOR. IRRIGATION CONTRACTOR TO PROVIDE RIGID STEEL CONDUIT FROM SERVICE STUB-OUT TO CONTROLLER GFI SWITCH AND COMPLETE ELECTRICAL SERVICE TO CONTROLLER.</p> <p>5 PEDESTAL ENCLOSURE.</p> <p>6 LOW VOLTAGE CONTROL WIRING.</p> <p>7 CONCRETE PAD-6" [150mm] THICK (MIN.) EXTEND 6" [150mm] BEYOND EACH SIDE AND BACK, 24" [600mm] IN FRONT AND 1" [25mm] ABOVE FINISH GRADE.</p> <p>8 FINISH GRADE.</p> <p>9 SCHEDULE 40 GREY PVC ELECTRICAL CONDUIT WITH SWEEP ELL FOR LOW VOLTAGE WIRE.</p> <p>10 24" MIN. [600mm] AND OR 12" [300mm] BEYOND HARDCAPE.</p> <p>11 1 1/2" [40mm] PVC SWEEP ELL FOR GROUND WIRE.</p> <p>12 6" ROUND BLACK PLASTIC BOX WITH T-LID FOR GROUND ROD.</p> <p>13 CADCWELD CONNECTIONS</p> <p>14 8' LONG COPPER GROUND ROD. LOCATE A MINIMUM OF 10' AWAY FROM CONTROLLER.</p> |  <p>1 WIRELESS CLIMATE SENSOR TRANSMITTER</p> <p>2 SUITABLE POST, POLE, OR GUTTER MOUNT. MOUNT IN LOCATION WHERE SENSOR CAN RECEIVE FULL SUN, IS OPEN TO RAINFALL AND OUT OF SPRINKLER SPRAY PATTERN</p> <p>3 SENSOR RECEIVER</p> <p>4 CONTROLLER</p> <p>NOTE: MAXIMUM LINE OF SIGHT FROM SENSOR TO RECEIVER IS 1000 FT. DISTANCE IS LESS IF OBSTRUCTIONS EXIST. SENSOR MUST BE INSTALLED IN "CLEAR SPACE" WHERE IT IS EXPOSED TO UNOBSTRUCTED RAINFALL AND IS CLEAR OF SPRINKLER SPRAY.</p>   |  <p>1 REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED (PRESSURE REGULATOR WHERE SHOWN ON PLANS).</p> <p>2 USE A 14" X 19" RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID FOR 1" VALVES. FOR 1.5" AND LARGER VALVES INSTALL BALL VALVE WITHIN A SEPARATE 10" ROUND BOX OR ONE BALL VALVE PER MANFOLD OF VALVES. GATE VALVE SIZE SHALL BE SAME AS LARGEST VALVE WITHIN MANFOLD. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.</p> <p>3 FINISH GRADE.</p> <p>4 PVC LATERAL LINE.</p> <p>5 REFER TO IRRIGATION SPECS.</p> <p>6 3" [75mm] MIN, 6" [150mm] MAX.</p> <p>7 VALVE CONTROL WIRE- PROVIDE SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.</p> <p>8 SCHEDULE 80 PVC NIPPLE (4 TOTAL).</p> <p>9 VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).</p> <p>10 SCHEDULE 80 PVC THREADED UNION.</p> <p>11 PEA GRAVEL OR 3/4" DRAIN ROCK- 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).</p> <p>12 19 GAUGE 1/2" [12mm] SQUARE WIRE MESH.</p> <p>13 UPC APPROVED SCHEDULE 40 PVC TEE.</p> <p>14 SCHEDULE 80 PVC 90° ELBOW (1x1).</p> <p>15 SCHEDULE 80 PVC NIPPLE- LENGTH AS REQUIRED.</p> <p>16 BRICK-1 EACH CORNER.</p> <p>17 PVC MAIN LINE.</p> <p>18 SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE).</p> |
| <p>1</p> <p>REDUCED PRESSURE BACKFLOW ASSEMBLY</p> <p>SCALE: NONE</p> <p>DET: RPB-1</p>   | <p>2</p> <p>BACKFLOW ASSEMBLY ENCLOSURE</p> <p>SCALE: NONE</p> <p>DET: ENG-SMOOTH</p>   | <p>3</p> <p>CONTROLLER – PEDESTAL MOUNT</p> <p>SCALE: NONE</p> <p>DET: PED-CONT</p>   | <p>4</p> <p>WIRELESS WEATHER SENSOR</p> <p>SCALE: NONE</p> <p>DET: CL-W</p>  | <p>5</p> <p>REMOTE CONTROL VALVE</p> <p>SCALE: NONE</p> <p>DET: RCV-UN-BV</p>   |
|  <p>1 FINISH GRADE</p> <p>2 JUMBO RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.</p> <p>3 SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE)</p> <p>4 PRESSURE REGULATOR (INCLUDED IN DRIP ZONE KIT)</p> <p>5 REMOTE CONTROL VALVE DRIP ZONE KIT. (SHALL INCLUDE VALVE, FILTER AND A 40 PSI PRESSURE REDUCING VALVE)</p> <p>6 VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).</p> <p>7 SCHEDULE 40 MALE ADAPTER</p> <p>8 BRICK-1 EACH CORNER.</p> <p>9 PVC MAIN LINE.</p> <p>10 UPC APPROVED SCHEDULE 40 PVC TEE.</p> <p>11 SCHEDULE 80 PVC NIPPLE-(4-TOTAL) LENGTH AS REQUIRED.</p> <p>12 PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [102mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).</p> <p>13 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.</p> <p>14 SCHEDULE 80 PVC 90° ELBOW (1x1).</p> <p>15 VALVE CONTROL WIRE- PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.</p> <p>16 Y-FILTER (INCLUDED IN DRIP ZONE KIT)</p>   |  <p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> <li>1. STRIP WIRES APPROXIMATELY 1/2" (13 mm) TO EXPOSE WIRE.</li> <li>2. TWIST CONNECTOR AROUND WIRES CLOCKWISE UNTIL HAND TIGHT, DO NOT OVERTIGHTEN.</li> <li>3. INSERT WIRE ASSEMBLY INTO PLASTIC TUBE UNTIL WIRE CONNECTOR SNAPS PAST LIP IN BOTTOM OF TUBE.</li> <li>4. PLACE WIRES WHICH EXIT TUBE IN WIRE EXIT HOLES AND CLOSE CAP UNTIL IT SNAPS.</li> <li>5. INSPECT FINAL SPLICE ASSEMBLY TO BE SECURE AND FINISHED.</li> </ol> |  <p>1 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.</p> <p>2 8" [200mm] CLASS 160 OR SCHEDULE 40 PVC PIPE (NOTCH TO FIT OVER MAIN LINE PIPE).</p> <p>3 PVC MAIN LINE.</p> <p>4 FINISH GRADE.</p> <p>5 PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [100mm] DEEP (NO SOIL IN VALVE BOX).</p> <p>6 BRICK-2 TOTAL.</p> <p>7 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.</p> <p>8 GATE VALVE.</p> <p>9 MALE ADAPTER. REFER TO LEGEND FOR FITTING TYPE.</p> <p>REFER TO IRRIGATION LEGEND</p>  |  <p>1 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.</p> <p>2 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30° [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).</p> <p>3 PVC MAIN LINE.</p> <p>4 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.</p> <p>5 FINISH GRADE.</p> <p>6 QUICK COUPLING VALVE.</p> <p>7 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.</p> <p>8 BRICK - 2 TOTAL.</p> <p>9 SCHEDULE 80 PVC THREADED NIPPLE.</p> <p>10 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.</p> <p>11 UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW</p> <p>12 SCHEDULE 80 PVC THREADED 90° ELL.</p> <p>NOTE: NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.</p> |  <p>VALVE IDENTIFICATION</p> <p>TOP VIEW OF BOXES</p> <p>1 CONTROLLER AND STATION</p> <p>2 VALVE TYPE</p> <p>3 HEAT BRAND LETTERS AND NUMBERS INTO LID.</p> <p>4 VALVE BOX COVER</p> <p>5 RECTANGULAR VALVE BOX</p> <p>6 ROUND VALVE BOX FOR QCV AND GATE VALVE.</p> <p>7 HEAT BRAND LETTERS AND NUMBERS INTO LID (TYPICAL).</p> <p>8 EDGE OF LAWN, WALK, FENCE, CURB, ETC.</p> <p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> <li>1. CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.</li> <li>2. SET BOXES 1" [25mm] ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.</li> <li>3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.</li> <li>4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.</li> <li>5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.</li> <li>6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.</li> </ol>   |
| <p>6</p> <p>REMOTE CONTROL VALVE (DRIPZONE)</p> <p>SCALE: NONE</p> <p>DET: RCV-FILTER4</p>  | <p>7</p> <p>WEATHERPROOF WIRE SPLICE ASSEMBLY</p> <p>SCALE: NONE</p> <p>DET: WIRE-SPL</p>   | <p>8</p> <p>GATE VALVE</p> <p>SCALE: NONE</p> <p>DET: SGVD</p>  | <p>9</p> <p>QUICK COUPLING VALVE</p> <p>SCALE: NONE</p> <p>DET: QUICK-C2</p>   | <p>10</p> <p>VALVE BOX INSTALLATION</p> <p>SCALE: NONE</p> <p>DET: VALVE-B1</p>   |

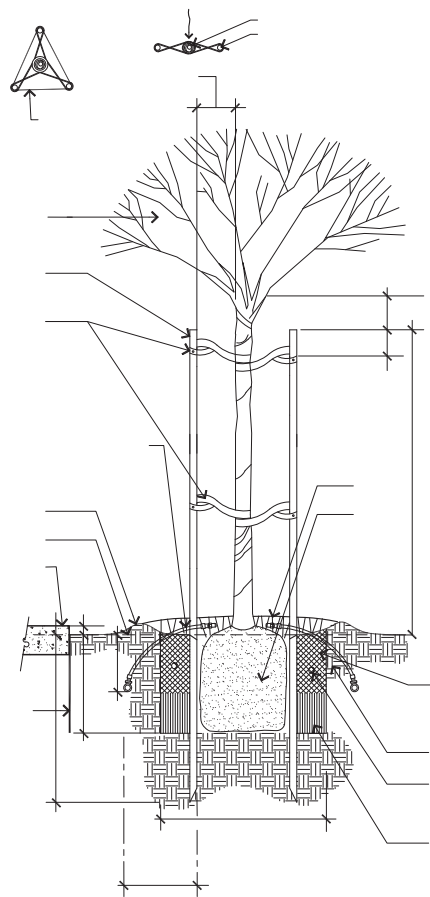




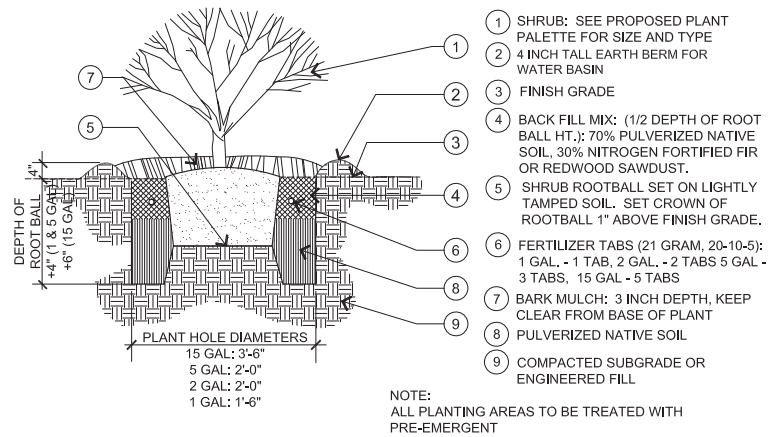


Tarob Court  
Milpitas, CA  
July 28, 2016

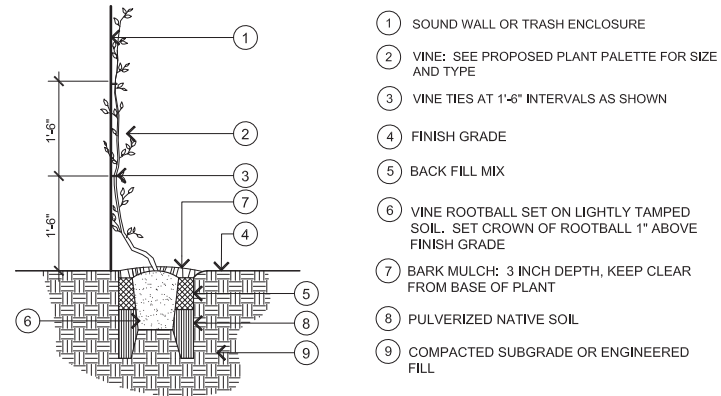
Irrigation Details (Publicly Maintained Landscape Areas)  
L008



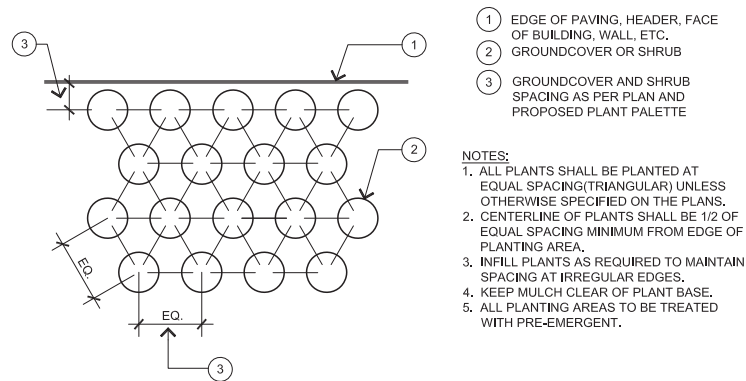
Tree Staking  
NOT TO SCALE



Shrub Planting  
NOT TO SCALE

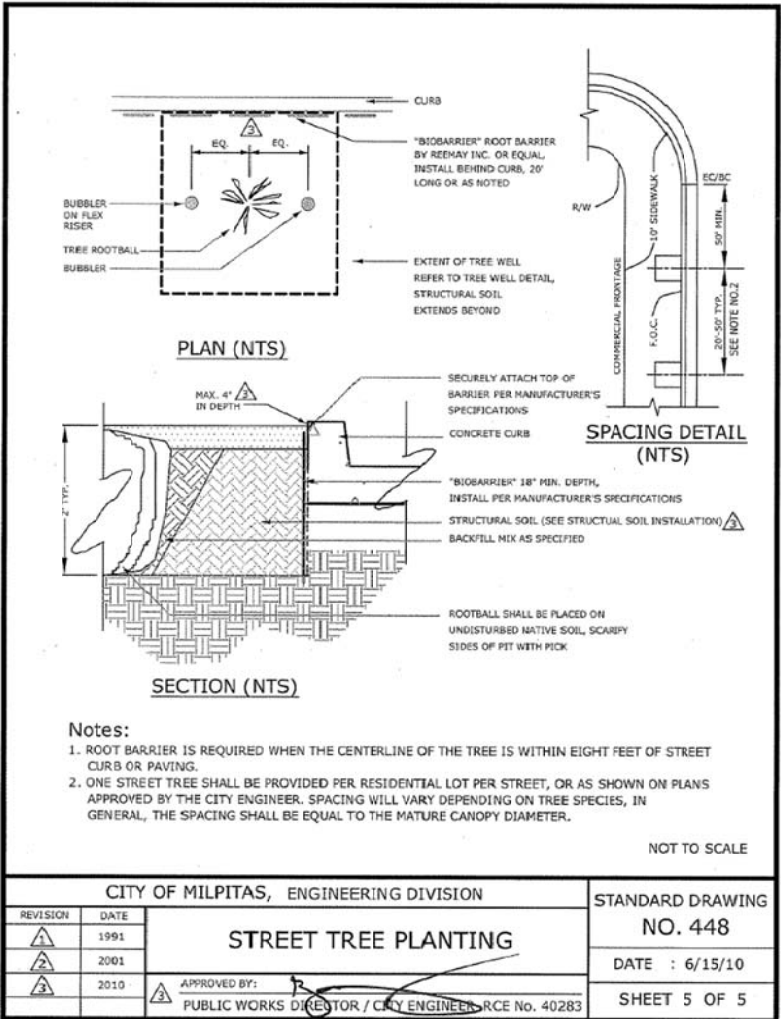
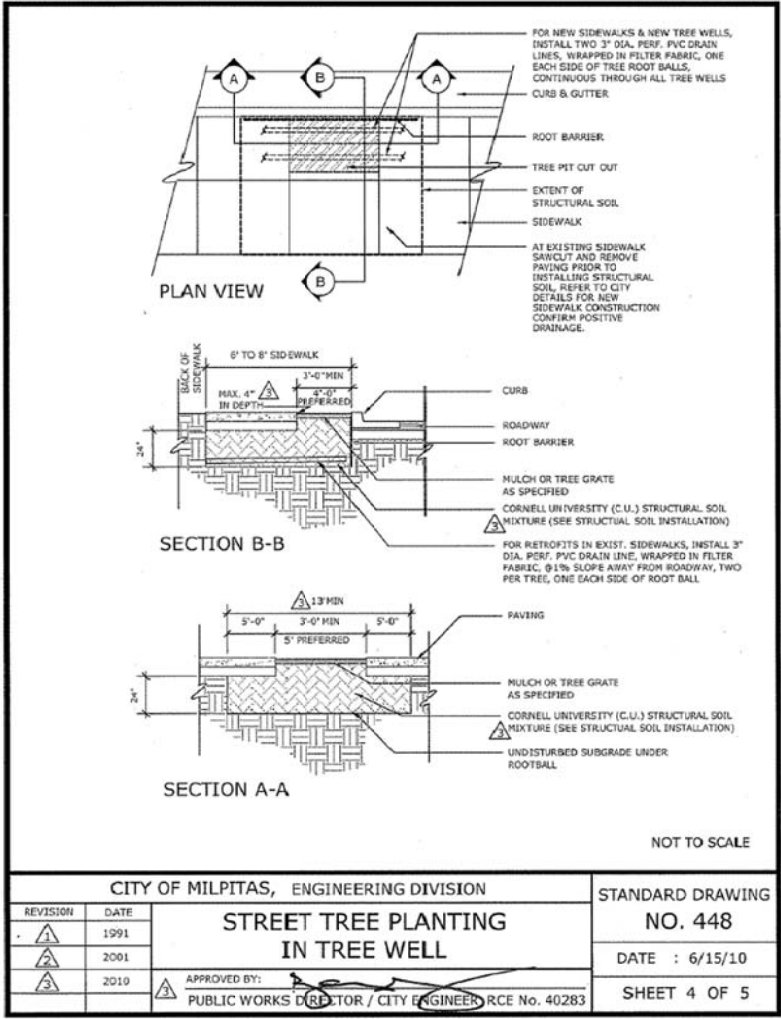
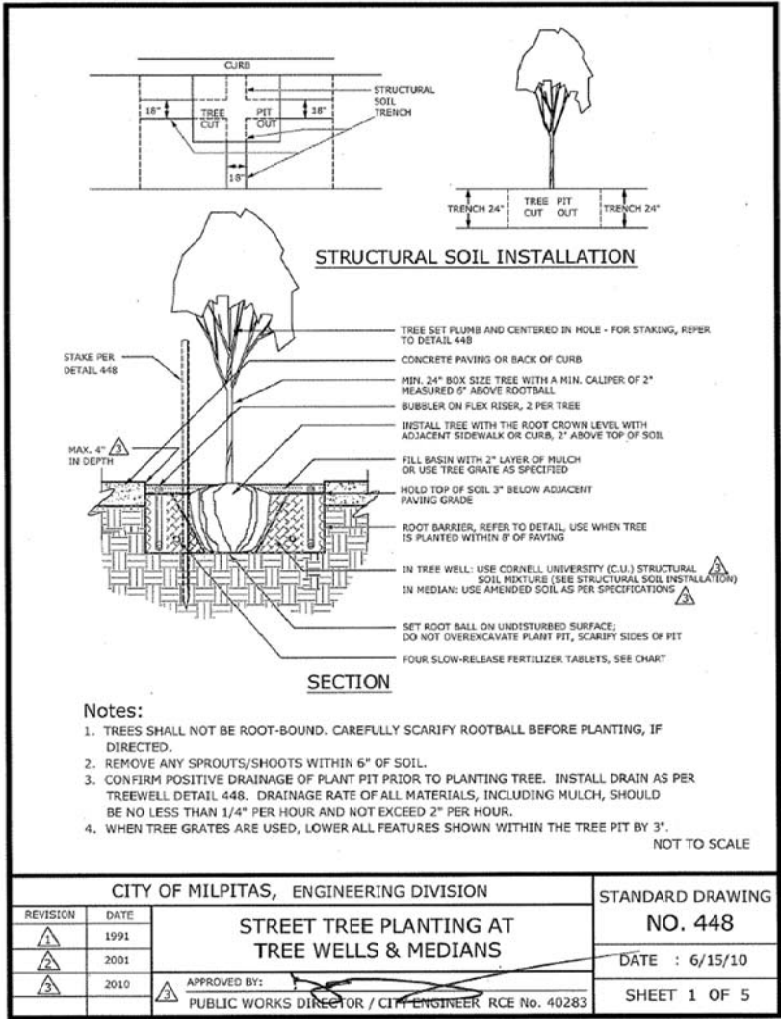


Vine Planting/Staking  
NOT TO SCALE



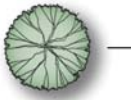













Groundcover Planting  
NOT TO SCALE







PROPOSED PLANT PALETTE

| SYMBOL   | BOTANICAL NAME                                   | COMMON NAME             | MINIMUM CONTAINER SIZE | EXPOSURE        | COMMENTS | WUCOLS |
|--|--|-------------------------|------------------------|-----------------|----------|--------|
|   | <b>STREET TREES :</b>                            |                         |                        |                 |          |        |
|  | TO BE COORDINATED WITH THE CITY OF MILPITAS      |                         |                        |                 |          |        |
|  | <b>NARROW EVERGREEN TREES:</b>                   |                         |                        |                 |          |        |
|  | ARBUTUS 'MARINA'                                 | NCN                     | 24" BCX                | N/A             | STANDARD | M      |
|  | MAGNOLIA GRANDIFLORA 'TEDDY BEAR'                | MAGNOLIA                | 36" BCX                | SUN/SHADE       | STANDARD | M      |
|   | MAGNOLIA 'LITTLE GEM'                            | LITTLE GEM MAGNOLIA     | 24" BCX                | N/A             | STANDARD | L      |
|  | TRISTANIA LAURINA                                | NCN                     | 24" BCX                | N/A             | STANDARD | L      |
|  | <b>ACCENT TREES:</b>                             |                         |                        |                 |          |        |
|  | ACER SPECIES 'NEW WORLD'                         | RED MAPLE               | 24" BCX                | N/A             | STANDARD | M      |
|  | PRUNUS SARGENTII 'COLUMNARIS'                    | NARROW FLOWERING CHERRY | 36" BCX                | SUN/SHADE       | STANDARD | M      |
|   | JACARANDA MIMOSIFOLIA                            | JACARANDA               | 24" BCX                | SUN/SHADE       | STANDARD | M      |
|  | <b>SMALL FLOWERING ACCENT TREES:</b>             |                         |                        |                 |          |        |
|  | CHIONANTHUS RETUSUS                              | NCN                     | 24" BCX                | SUN/SHADE       | STANDARD | L      |
|  | CERCIS CANADENSIS                                | EASTERN REDBUD          | 24" BCX                | N/A             | STANDARD | M      |
|  | LAGERSTROEMIA INDICA 'MUSKOGEE'                  | LAVENDER CRAPE MYRTLE   | 24" BCX                | SUN             | STANDARD | L      |
|   | MALUS SPECIES                                    | CRABAPPLE               | 24" BCX                | SUN             | STANDARD | L      |
|  | <b>NARROW TREES:</b>                             |                         |                        |                 |          |        |
|  | ILEX 'SKY PENCIL'                                | HOLLY                   | 24" BCX                | SUN/SHADE       | STANDARD | M      |
|  | PODOCARPUS 'MAKI'                                | COLUMN FERN PINE        | 24" BCX                | SUN/SHADE       | STANDARD | M      |
|  | RHAPIOLEPIS 'MAJESTIC BEAUTY'                    | NCN                     | 24" BCX                | SUN             | STANDARD | L      |
|   | <b>FOUNDATION SHRUBS:</b>                        |                         |                        |                 |          |        |
|  | ARBUTUS UNEDO 'COMPAKTA'                         | STRAWBERRY TREE         | 5 GALLON               | SUN/SHADE       |          | L      |
|  | COLEONEMA PULCHRUM                               | PINK BREATH OF HEAVEN   | 5 GALLON               | SUN             |          | L      |
|  | CORREA SPECIES                                   | AUSTRALIAN FUCHSIA      | 5 GALLON               | SUN/ PART SHADE |          | L      |
|  | HIMALAYACALAMUS FALCONERI 'DAMARAPA'             | CANDY STRIPE BAMBOO     | 5 GALLON               | SUN/ PART SHADE |          | M      |
|   | LOROPETALUM CHINESE                              | NCN                     | 5 GALLON               | PART SHADE      |          | L      |
|  | RAPHIOLEPIS INDICA 'SPRING RAPTURE'              | INDIAN HAWTHORN         | 5 GALLON               | SUN/ PART SHADE |          | L      |
|  | ROSMARINUS 'BLUE SPIRES'                         | UPRIGHT ROSEMARY        | 5 GALLON               | SUN/ PART SHADE |          | L      |
|  | OSMANTHUS FRAGRENS                               | NCN                     | 5 GALLON               | SUN/ PART SHADE |          | L      |
|  | <b>INTERMEDIATE SHRUBS:</b>                      |                         |                        |                 |          |        |
|   | CORREA SPECIES                                   | AUSTRALIAN FUCHSIA      | 5 GALLON               | SHADE/SUN       |          | L      |
|  | DIETES VEGETA                                    | FORTNIGHT LILY          | 5 GALLON               | SHADE/SUN       |          | L      |
|  | LIRIOPE GIGANTEA                                 | LIRIOPE                 | 5 GALLON               | SHADE/SUN       |          | M      |
|  | NANDINA DOMESTICA                                | HEAVENLY BAMBOO         | 5 GALLON               | SHADE/SUN       |          | L      |
|  | PHORMIUM SPECIES                                 | NEW ZEALAND FLAX        | 5 GALLON               | SUN             |          | L      |
|   | PITTOSPORUM TOBIRA 'WHEELER'S DWARF'             | PITTOSPORUM             | 5 GALLON               | SUN/SHADE       |          | M      |
|  | ROSA SPECIES                                     | SHRUB ROSE              | 5 GALLON               | SUN             |          | L      |
|  | LAVANDULA SPECIES                                | LAVENDER                | 5 GALLON               | SUN             |          | L      |
|  | <b>FOREGROUND SHRUBS:</b>                        |                         |                        |                 |          |        |
|  | AGAPANTHUS SPECIES                               | LILY OF THE NILE        | 1 GALLON               | SHADE/SUN       |          | M      |
|   | ALOE SPECIES                                     | ALOE                    | 1 GALLON               | SUN             |          | L      |
|  | HEMEROCALLIS HYBRIDS                             | EVERGREEN DAYLILY       | 1 GALLON               | SUN             |          | M      |
|  | 'ORANGE/YELLOW MIX 50/50'                        |                         |                        |                 |          |        |
|  | KNIPHOFIA  | RED-HOT POKER           | 1 GALLON               | SUN             |          | L      |
|  | LAVANDULA 'MUNSTEAD'                             | ENGLISH LAVENDER        | 1 GALLON               | SUN             |          | L      |
|    | LIRIOPE MUSCARI 'BIG BLUE'                       | BIG BLUE LILY           | 1 GALLON               | SHADE           |          | M      |
|  | ANIGOZANTHOS                                     | KANGAROO PAW            | 1 GALLON               | SUN             |          | L      |
|  | PHORMIUM SPECIES (DWARF)                         | NEW ZEALAND FLAX        | 1 GALLON               | SUN             |          | L      |
|  | SEDUM SPECIES                                    | NCN                     | 1 GALLON               | SUN             |          | L      |
|  | SENECIO SPECIES                                  | NCN                     | 1 GALLON               | SUN             |          | L      |
|   | HEMEROCALLIS SPECIES                             | DAYLILY                 | 1 GALLON               | SUN             |          | L      |
|  | PITTOSPORUM SPECIES                              | TOBIRA                  | 5 GALLON               | SUN             |          | L      |
|  | <b>GROUNDCOVERS:</b>                             |                         |                        |                 |          |        |
|  | CORREA REFLEXA 'CAPE CARPET'                     | AUSTRALIAN FUCHSIA      | 1 GALLON               | SUN/SHADE       |          | L      |
|  | GREVILLEA LANIGERA 'COASTAL GEM'                 | NCN                     | 1 GALLON               | SUN/SHADE       |          | L      |
|   | LANTANA 'GOLD RUSH'                              | YELLOW LANTANA          | 1 GALLON               | SUN             |          | L      |
|  | ROSA 'PEACH DRIFT'                               | PEACH DRIFT             | 2 GALLON               | SUN             |          | M      |
|  | ROSA 'PINK DRIFT'                                | PINK GROUNDCOVER ROSE   | 2 GALLON               | SUN             |          | L      |
|  | ZAUSCHNERIA SPECIES                              | CALIFORNIA FUCHSIA      | 1 GALLON               | SUN             |          | L      |
|  | <b>GRASSES:</b>                                  |                         |                        |                 |          |        |
|   | CALOMOGROTIS FOLIOSA                             | REED GRASS              | 1 GALLON               | SUN             |          | L      |
|  | FESTUCA MAIREI                                   | ATLAS FESCUE            | 1 GALLON               | SUN             |          | L      |
|  | MUHLENBERGIA RIGENS                              | DEER GRASS              | 1 GALLON               | SUN             |          | L      |
|  | PENNISETUM SPECIES                               | FOUNTAIN GRASS          | 1 GALLON               | SUN             |          | L      |
|  | <b>VINES:</b>                                    |                         |                        |                 |          |        |
|   | FICUS PUMILA                                     | CREeping FIG            | 5 GALLON               | SUN/SHADE       |          | M      |
|  | PARTHENOCESSUS TRICUSPIDATA                      | BOSTON IVY              | 5 GALLON               | SUN/SHADE       |          | M      |
|  | JASMINUM SPECIES                                 | JASMINE                 | 5 GALLON               | SUN/SHADE       |          | M      |
|  | <b>STORM WATER TREATMENT SHRUBS AND GRASSES:</b> |                         |                        |                 |          |        |
|  |  |                         | 1 GALLON               | MIX EVENLY      |          |        |
| <b>SPECIES/COMMON NAME</b>   |  |                         |                        |                 |          |        |
| ARISTIDA PURPUREA - PURPLE THREE-AWN   |  |                         |                        |                 |          |        |
| BOUTELOUA GRACIS - BLUE GRAMA  |  |                         |                        |                 |          |        |
| CAREX TEMULICOLA - BERKELEY SEDGE  |  |                         |                        |                 |          |        |
| CHONDROPETALUM TECTORIUM - CAPE RUSH   |  |                         |                        |                 |          |        |
| CALAMAGROSTIS SPECIES - REED GRASS   |  |                         |                        |                 |          |        |
| FESTUCA CALIFORNICA - CALIFORNIA FESCUE  |  |                         |                        |                 |          |        |
| JUNCUS PATENS - BLUE RUSH  |  |                         |                        |                 |          |        |
| LEYMUS CONDENSATUS - GIANT WILD RYE  |  |                         |                        |                 |          |        |
| MELICA CALIFORNICA - CALIFORNIA MELIC  |  |                         |                        |                 |          |        |
| MIMULUS SPECIES - MONKEY FLOWER  |  |                         |                        |                 |          |        |
| <b>NOTE:</b>   |  |                         |                        |                 |          |        |
| SEVERAL TREE SPECIES ARE LISTED PER TREE TYPE TO ALLOW FOR FLEXIBILITY IN THE EVENT THAT A SPECIFIC SPECIES IS UNAVAILABLE AT INSTALLATION |  |                         |                        |                 |          |        |

- MINIMUM TREE CLEARANCE NOTE:
1. SMALL TREES (15' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 6' FROM BUILDINGS AND A MINIMUM OF 2' FROM EDGES OF PAVING, CURBS OR WALLS.
  2. MEDIUM TREES (25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 10' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
  3. LARGE TREES (ABOVE 25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 15' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
  4. 5' MINIMUM FROM JOINT TRENCH, WATER LINES, WATER METERS AND FIRE HYDRANTS.
  5. 8' MINIMUM FROM SANITARY SEWER AND STORM DRAINS.

WATER CONSERVATION CONCEPT STATEMENT:

THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET CURRENT WATER EFFICIENCY STANDARDS AND STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AB1881 AS REQUIRED BY LOCAL JURISDICTIONS WHILE ACHIEVING THE FOAL OF EFFECTIVELY AND EFFICIENTLY PROVIDING THE LANDSCAPE WITH WATER BY MEANS OF HIGH EFFICIENCY SPRAY IRRIGATION TO THE TURN AND GROUNDCOVER AREAS AND DRIP IRRIGATION BUBBLERS TO RESTRICTED SHRUB PLANTING AND SHRUB MASS PLANTING AREAS AS APPLICABLE.

IRRIGATION SYSTEMS SHALL BE DESIGNED TO ACCOMMODATE RECYCLED WATER WHERE AVAILABLE EITHER CURRENTLY OR IN THE FUTURE AS DIRECTED BY THE LOCAL WATER PURVEYOR. RECYCLED WATER SYSTEMS SHALL BE DESIGNED IN ACCORDANCE WITH LOCAL AND STATE CODES.

IRRIGATION SYSTEMS FOR LANDSCAPES GREATER THAN 5,000 S.F. SHALL HAVE A DEDICATED WATER METER FOR IRRIGATION.

A WATER EFFICIENT LANDSCAPE WORKSHEET SHALL BE INCLUDED WITH HYDROZONE INFORMATION TABLE, WATER BUDGET CALCULATIONS AND IRRIGATION OPERATION SCHEDULES.

A STATE OF THE ART ET BASED SELF ADJUSTING IRRIGATION CONTROLLER SHALL BE SPECIFIED FOR THIS PROJECT TO AUTOMATICALLY CONTROL THE WATER ALLOCATED TO EACH VALVE GROUPED PER INDIVIDUAL, HYDROZONE (BASED ON PLANT TYPE AND EXPOSURE). THIS SHALL INCLUDE RAIN AND FLOW SENSORS AS APPLICABLE FOR A HIGHER LEVEL OF WATER CONSERVATION.

TREE BUBBLERS SHALL BE INCLUDED ON SEPARATE CIRCUITS TO ISOLATE THE IRRIGATION TO THE TREES AND PROVIDE DEEP WATERING TO PROMOTE A DEEPER ROOT STRUCTURE.

SPRAY IRRIGATION SYSTEMS FOR GROUNDCOVER AREAS GREATER THAN 8' WIDE IN ANY DIRECTION SHALL BE DESIGNED WITH COMMERCIAL SERIES SPRAY HEADS WITH HIGH EFFICIENCY NOZZLES THAT INCLUDE INTERNAL CHECK VALVES AND RPRESSURE COMPENSATION DEVICES. THE HEADS SHALL BE DESIGNED IN A HEAD TO HEAD LAYOUT TO ACHIEVE AN EVEN LEVEL OF PRECIPITATION THROUGHOUT THE IRRIGATION SYSTEM. THE NOZZLES DELIVER WATER AT A MINIMUM 70% EFFICIENCY WITH A LOW PRECIPITATION RATE THAT MATCHES THE INFILTRATION RATE OF THE SOIL.

THE DRIP SYSTEM SHALL INCORPORATE PRESSURE COMPESATING DRIP BUBBLERS WITH 1/4" DRIP TUBES TO EACH PLANT WHICH DELIVERS WATER AT 90% EFFICIENCY AT AN APPLICATION RATE THAT MATCHES THE SOIL TYPE.

WATER USE RATING LEGEND:

EBMUD CATEGORIES OF WATER NEEDS FROM:

PLANTS & LANDSCAPES FOR SUMMER DRY CLIMATES OF THE SAN FRANCISCO BAY REGION BY THE EAST BAY MUNICIPAL UTILITY DISTRICT, 2004

|      |                     |
|------|---------------------|
| MOD  | MODERATE WATER      |
| OCC  | OCCASIONAL WATER    |
| INF  | INFREQUENT WATER    |
| NONE | NO ADDITIONAL WATER |

WUCOLS III CATEGORIES OF WATER NEEDS FROM:

UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION, CALIFORNIA DEPARTMENT OF WATER RESOURCES, UNITED STATES BUREAU OF RECLAMATION

|    |          |
|----|----------|
| H  | HIGH     |
| M  | MODERATE |
| L  | LOW      |
| VL | VERY LOW |

CALIFORNIA NATIVE PLANTS (CNP) FOR THE GARDEN BY CAROL BORNSTEIN, DAVID FROSS, BART O'BRIEN

|     |                  |
|-----|------------------|
| MOD | MODERATE WATER   |
| OCC | OCCASIONAL WATER |
| INF | INFREQUENT WATER |

| ON-SITE   | TOTAL PLANTS | SUBTOTAL PLANTS WITH OCC/INF/NONE/ LOW/VERY LOW WATER REQUIREMENTS |
|---|--------------|--|
| PERCENTAGE OF PLANTS MEETING LOW WATER REQUIREMENTS: 94.7% MORE THAN 75% REQUIRED |              |  |

MATERIALS LEGEND

| SYMBOL | DESCRIPTION |
|--------|-------------|
|--------|-------------|

CONCRETE PAVING:



NATURAL GREY CONCRETE PAVING WITH VARYING SCORE LINES PER PLAN

CONCRETE PAVING WITH ALTERNATING CONCRETE FINISH:



NATURAL GREY CONCRETE PAVING WITH 30" SPACED SCORE LINES AND ALTERNATING FINISH PER PLAN - REFER TO IMAGE SHEET L004

STAMPED ASPHALT:



STAMPED ASPHALT AT CROSSWALKS - REFER TO IMAGE SHEET L004

PRECAST PAVERS:



16"x16" PRECAST CONCRETE STEPPING PAVERS

WASTE RECEPTACLE:



WASHINGTON SQUARE (TOP OPENING) IN STORMCLOUD PERFORATED METAL IN DARK BRONZE FROM LANDSCAPE FORMS (WWW.LANDSCAPEFORMS.COM) - REFER TO IMAGE SHEET L003

BICYCLE RACK:



EMERSON IN DARK BRONZE FROM LANDSCAPE FORMS (WWW.LANDSCAPEFORMS.COM) - REFER TO IMAGE SHEET L003

MAILBOX STATIONS:



FOUR (4) TYPE III REGENCY DECORATIVE CBU WITH "A" SIZE DOORS (MODEL #3316R). CBU TOPS #3350 WITH FLAT FINIALS AND REGENCY PEDESTALS (TALL OPTION) IN DARK BRONZE FROM MAILBOXES.COM (WWW.MAILBOXES.COM) - REFER TO IMAGE SHEET L003

STREET LIGHT:



CALISTO SERIES IN DARK BRONZE FROM LUMEC (WWW.LUMEC.COM) - REFER TO SITE AMENITIES SHEET L003

ILLUMINATED BOLLARD:



CALISTO SERIES CALB1 IN DARK BRONZE FROM LUMEC (WWW.LUMEC.COM) - REFER TO IMAGE SHEET L003

PRECAST CONCRETE WALL:



REFER TO IMAGE SHEET L004

METAL VIEW FENCE OVER SPLIT-FACE RETAINING WALL:



METAL TO BE DARK BRONZE, SPLIT-FACE TO MATCH ARCHITECTURE - REFER TO IMAGE SHEET L004

BOARD-FORM CONCRETE SEATWALL:



CAST-IN-PLACE NATURAL GREY CONCRETE WITH BOARD-FORM PRINT - REFER TO IMAGE SHEET L004

AIR CONDENSER LATTICE SCREEN:

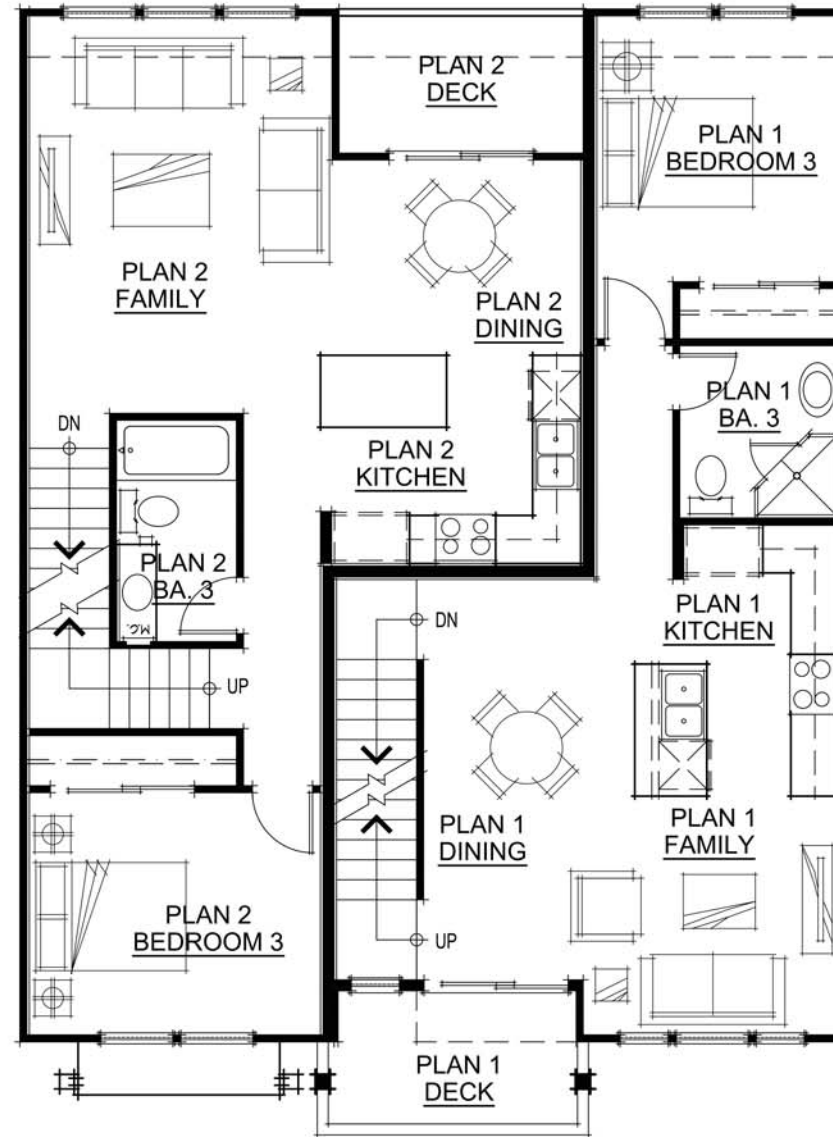


PAINTED TO MATCH ARCHITECTURE - REFER TO IMAGE SHEET L-4

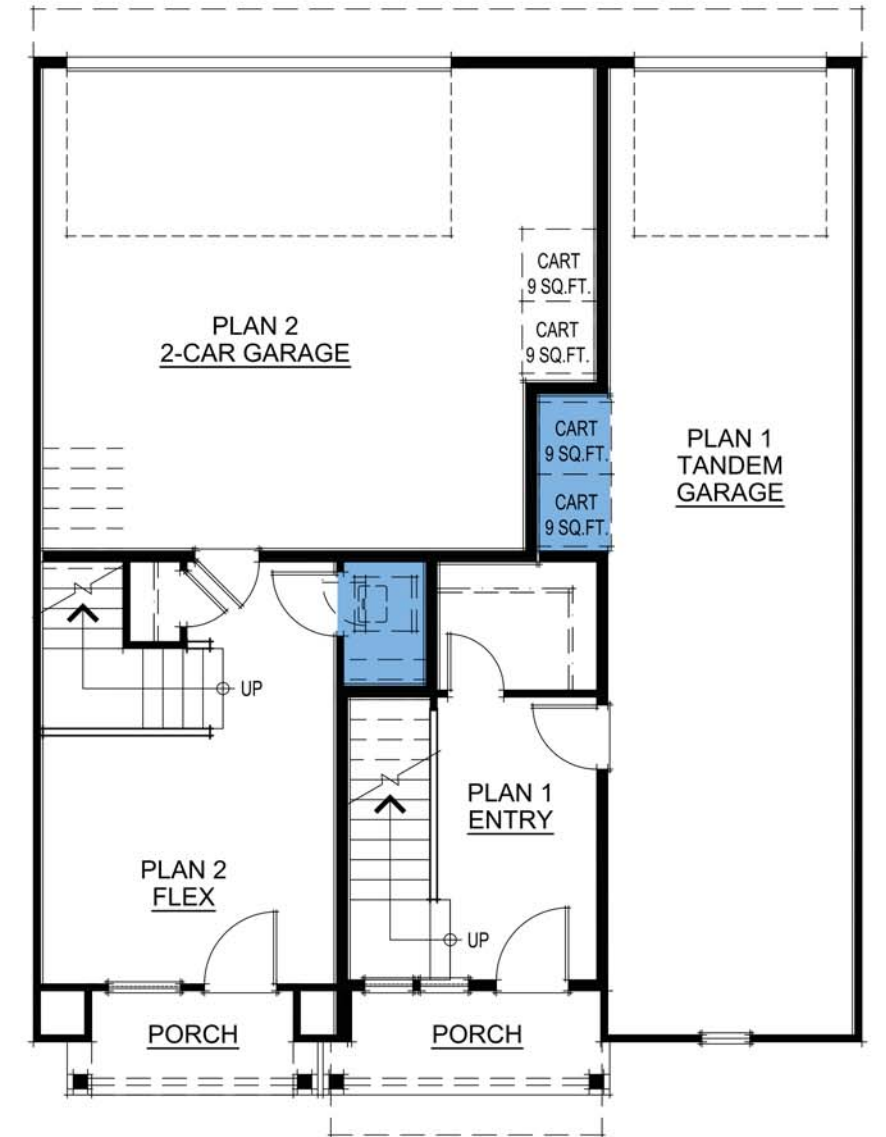




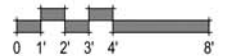
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



| PLAN 2 SQUARE FOOTAGES |              |
|------------------------|--------------|
| FIRST FLOOR            | 257 SQ. FT.  |
| SECOND FLOOR           | 745 SQ. FT.  |
| THIRD FLOOR            | 767 SQ. FT.  |
| TOTAL LIVING           | 1769 SQ. FT. |
| 2-CAR GARAGE           | 464 SQ. FT.  |
| PLAN 2 DECK            | 62 SQ. FT.   |

| PLAN 1 SQUARE FOOTAGES |              |
|------------------------|--------------|
| FIRST FLOOR            | 180 SQ. FT.  |
| SECOND FLOOR           | 655 SQ. FT.  |
| THIRD FLOOR            | 624 SQ. FT.  |
| TOTAL LIVING           | 1459 SQ. FT. |
| TANDEM GARAGE          | 463 SQ. FT.  |
| PLAN 1 DECK            | 57 SQ. FT.   |

UNIT OVERLAP CONDITION

NOTE: SEE BUILDING PLANS FOR OVERLAP CONDITIONS

PLANS 1 & 2 FLOOR PLANS

A1

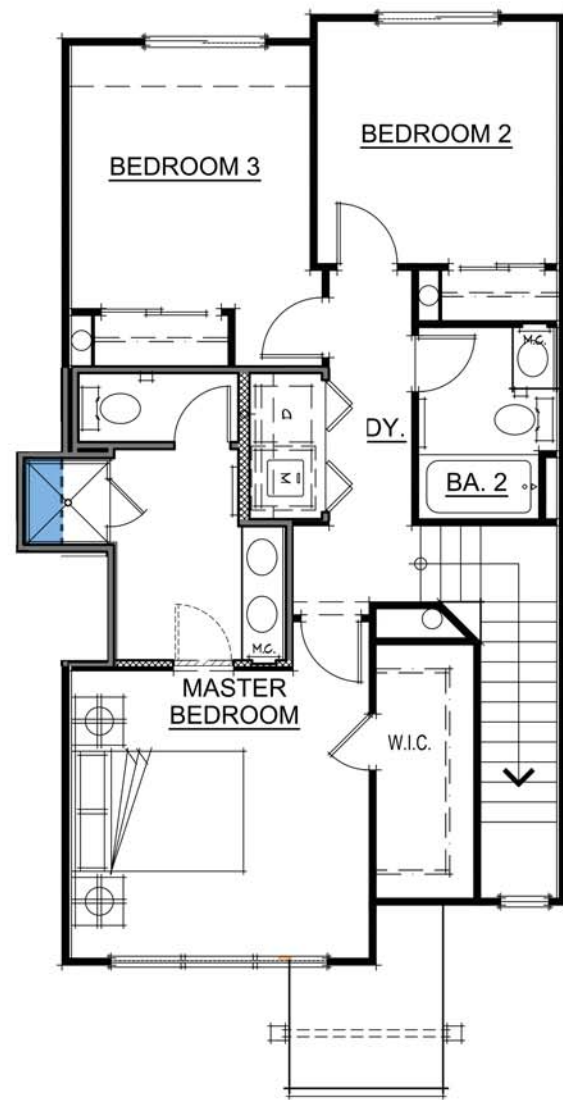
Tarob Court  
Milpitas, CA  
July 28, 2016

**The True Life Companies**  
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583  
925.824.4300

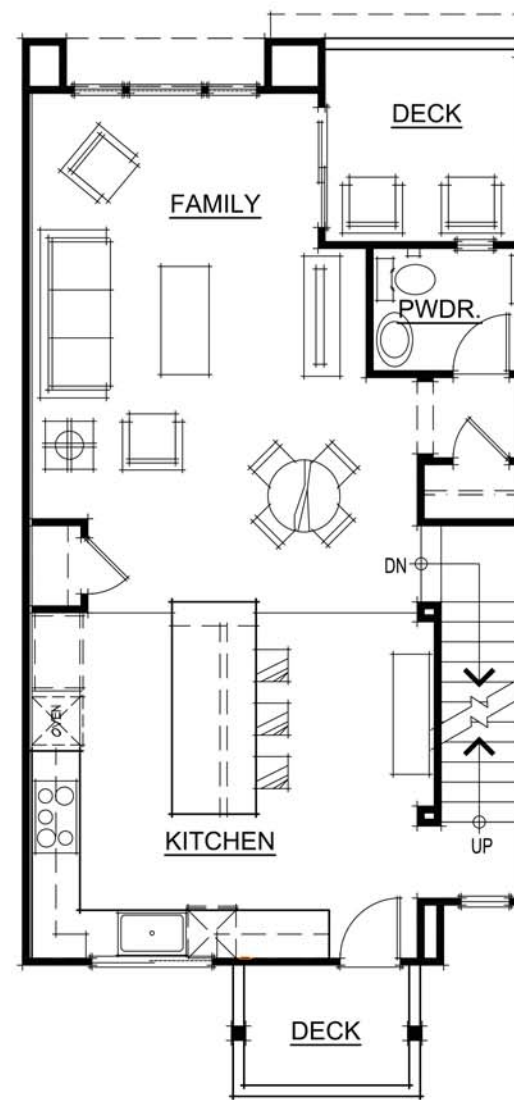
3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.strausdesign.com

**SDG**  
Architects, Inc.

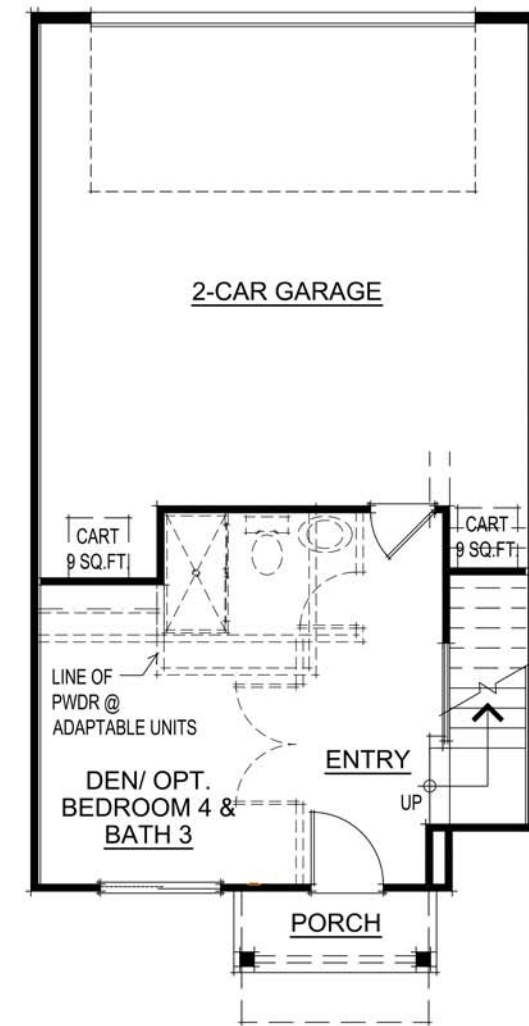




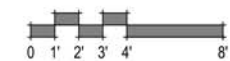
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



NOTE: OPTIONAL 4th BEDROOMS ARE LIMITED TO 15 AT THIS SITE.

| SQUARE FOOTAGES |              |
|-----------------|--------------|
| FIRST FLOOR     | 301 SQ. FT.  |
| SECOND FLOOR    | 703 SQ. FT.  |
| THIRD FLOOR     | 761 SQ. FT.  |
| TOTAL LIVING    | 1765 SQ. FT. |
| 2-CAR GARAGE    | 456 SQ. FT.  |
| REAR DECK       | 64 SQ. FT.   |
| FRONT DECK      | 34 SQ. FT.   |

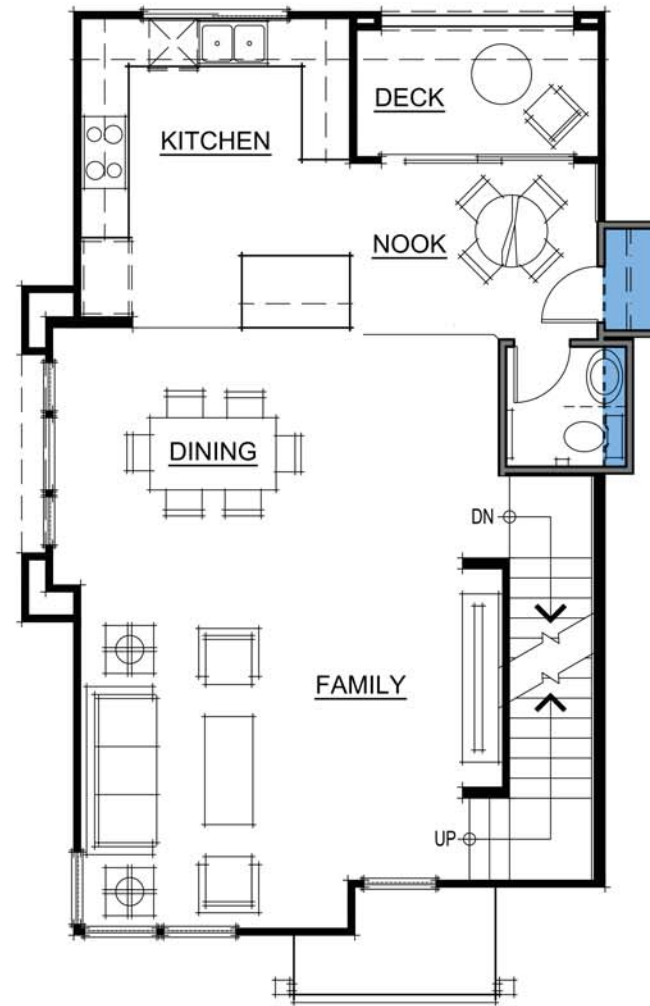
UNIT OVERLAP CONDITION

NOTE: SEE BUILDING PLANS FOR OVERLAP CONDITIONS

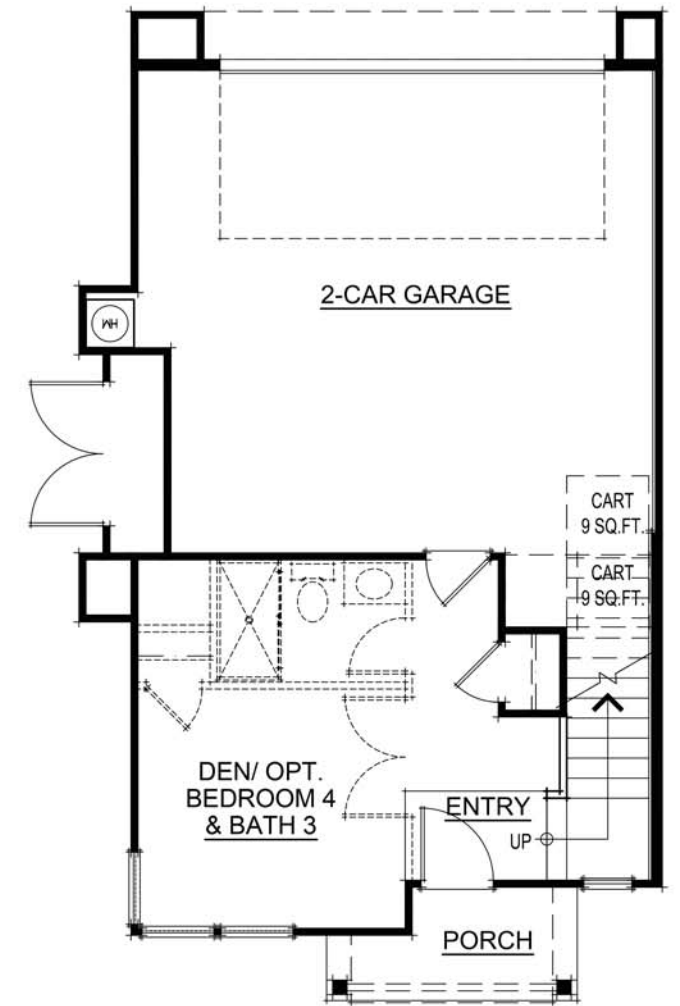
PLAN 3 FLOOR PLANS  
A2



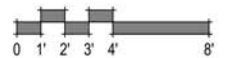
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



NOTE: OPTIONAL 4th BEDROOMS ARE LIMITED TO 15 AT THIS SITE.

| SQUARE FOOTAGES |              |
|-----------------|--------------|
| FIRST FLOOR     | 299 SQ. FT.  |
| SECOND FLOOR    | 781 SQ. FT.  |
| THIRD FLOOR     | 789 SQ. FT.  |
| TOTAL LIVING    | 1869 SQ. FT. |
| 2-CAR GARAGE    | 526 SQ. FT.  |
| DECK            | 62 SQ. FT.   |

UNIT OVERLAP CONDITION

NOTE: SEE BUILDING PLANS FOR OVERLAP CONDITIONS

PLAN 4 FLOOR PLANS  
A3

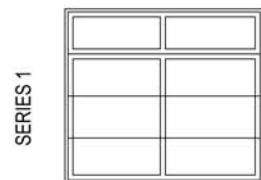
Tarob Court  
Milpitas, CA  
July 28, 2016





FRONT ELEVATION

## GARAGE DOOR DESIGN



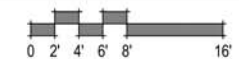
CLOPAY  
GRAND HARBOR COLLECTION

## EXTERIOR MATERIALS

HORIZONTAL FIBER CEMENT SIDING  
STUCCO W/ LIGHT SAND FINISH  
ARCHITECTURAL QUALITY  
COMPOSITION SHINGLE ROOFING  
WOOD & STUCCO WINDOW TRIM  
CONTEMPORARY PANEL GARAGE DOOR



SIDE ELEVATIONS



REAR ELEVATION

Tarob Court  
Milpitas, CA  
July 28, 2016

BUILDINGS D & E - ELEVATIONS

A4

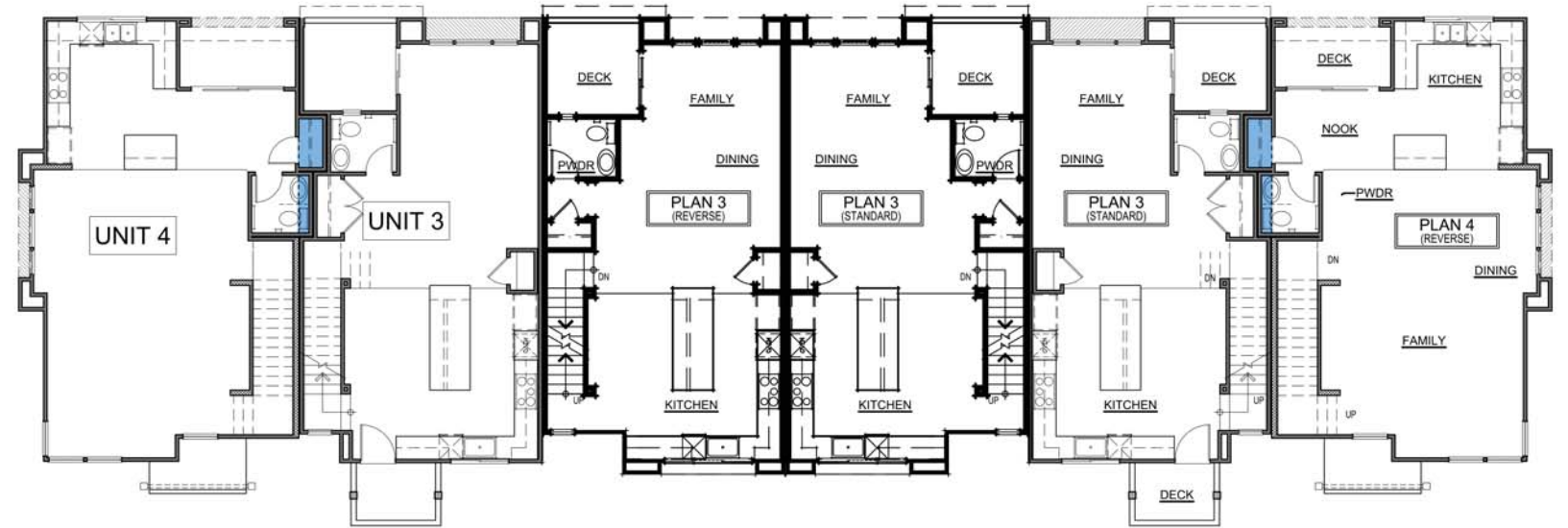


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925.824.4300

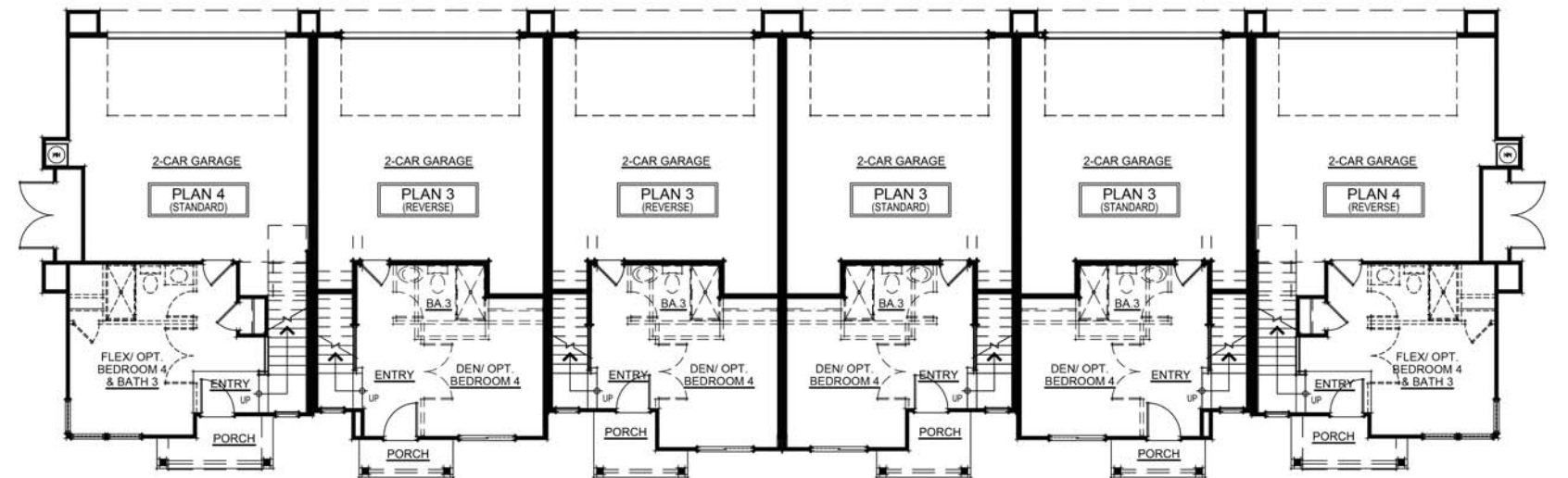
3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.strausdesign.com



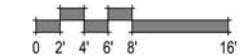
SDG Architects, Inc.



SECOND FLOOR PLAN



UNIT OVERLAP CONDITION



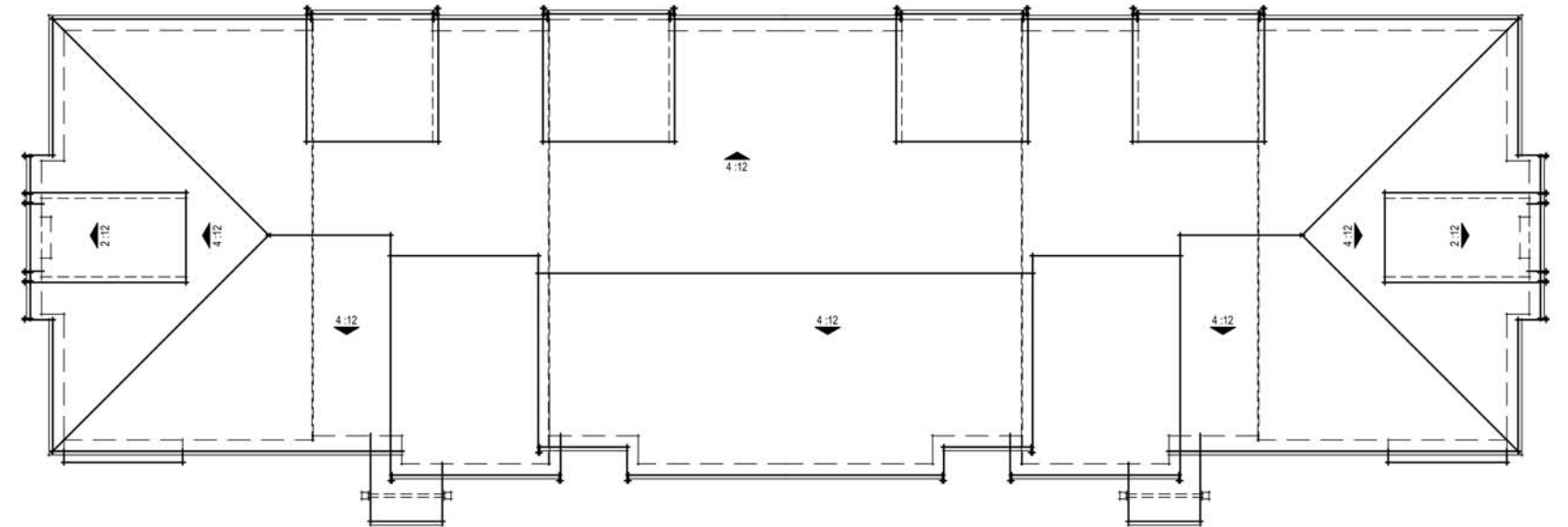
FIRST FLOOR PLAN

Tarob Court  
Milpitas, CA  
July 28, 2016

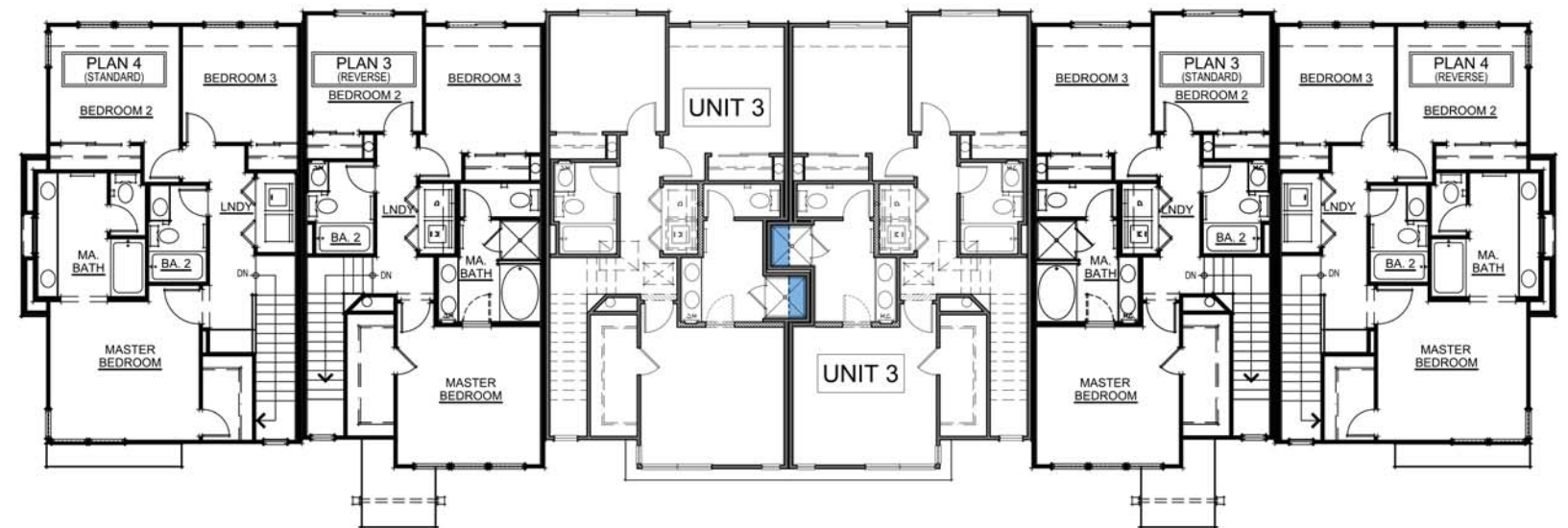
BUILDINGS D & E - FIRST & SECOND FLOOR PLANS

A5

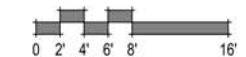




ROOF PLAN



UNIT OVERLAP CONDITION



THIRD FLOOR PLAN

Tarob Court  
Milpitas, CA  
July 28, 2016

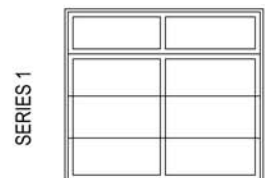
BUILDINGS D & E - THIRD FLOOR & ROOF PLANS

A6



FRONT ELEVATION

## GARAGE DOOR DESIGN



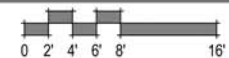
CLOPAY  
GRAND HARBOR COLLECTION

## EXTERIOR MATERIALS

HORIZONTAL FIBER CEMENT SIDING  
STUCCO W/ LIGHT SAND FINISH  
ARCHITECTURAL QUALITY  
COMPOSITION SHINGLE ROOFING  
WOOD & STUCCO WINDOW TRIM  
CONTEMPORARY PANEL GARAGE DOOR



RIGHT ELEVATION



REAR ELEVATION

Tarob Court  
Milpitas, CA  
July 28, 2016

BUILDINGS A & G - ELEVATIONS  
A7



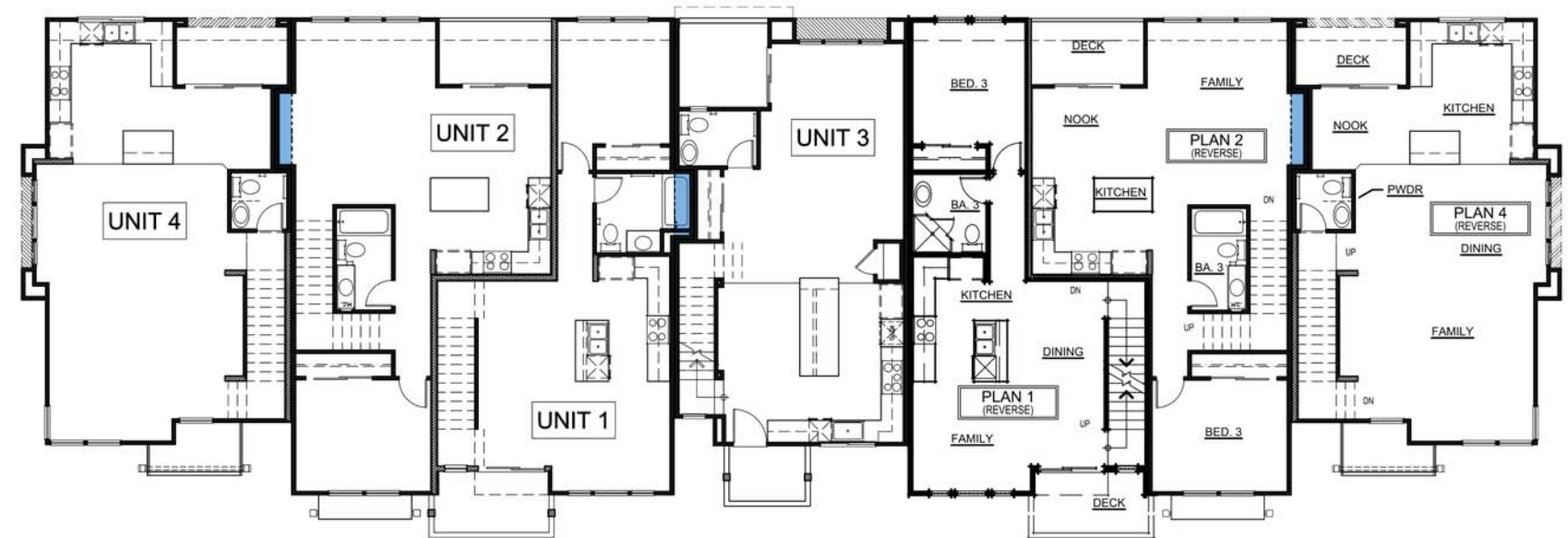
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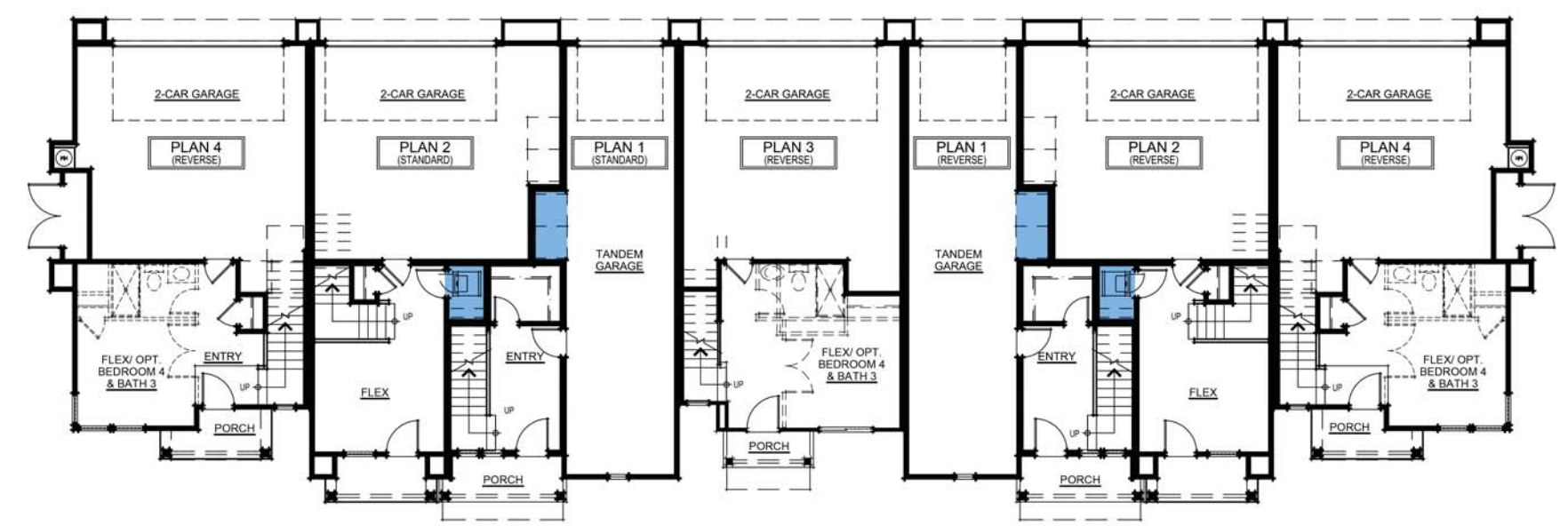


SDG Architects, Inc.

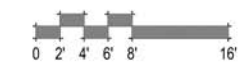




SECOND FLOOR PLAN



UNIT OVERLAP CONDITION

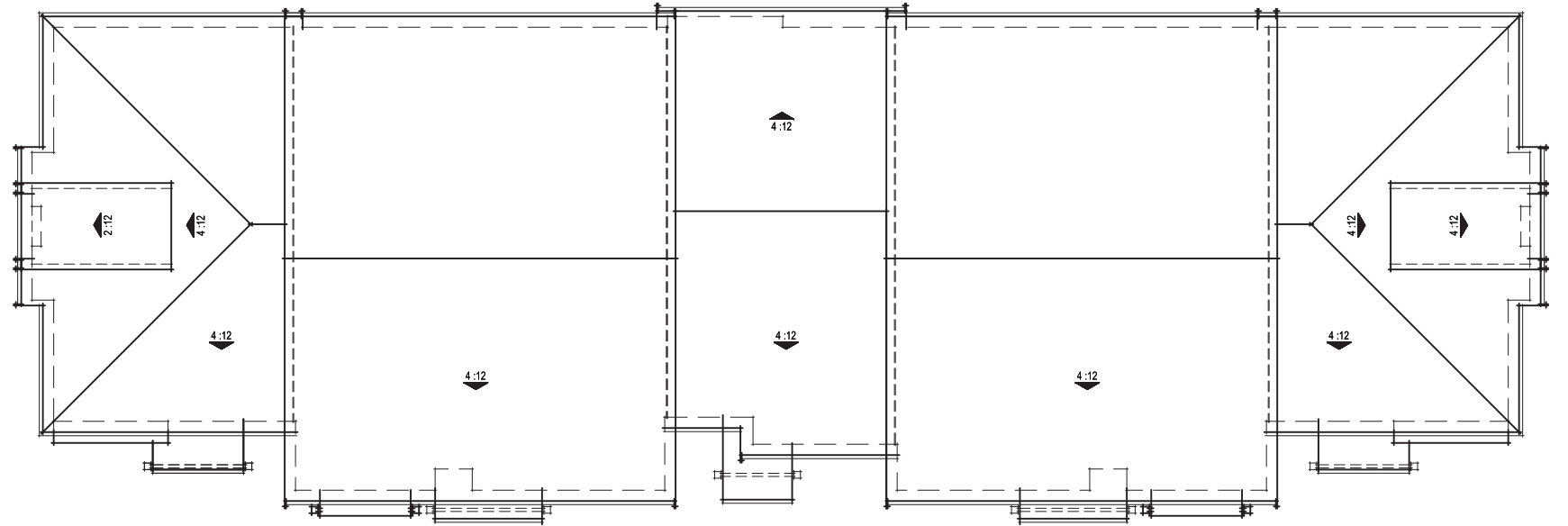


FIRST FLOOR PLAN

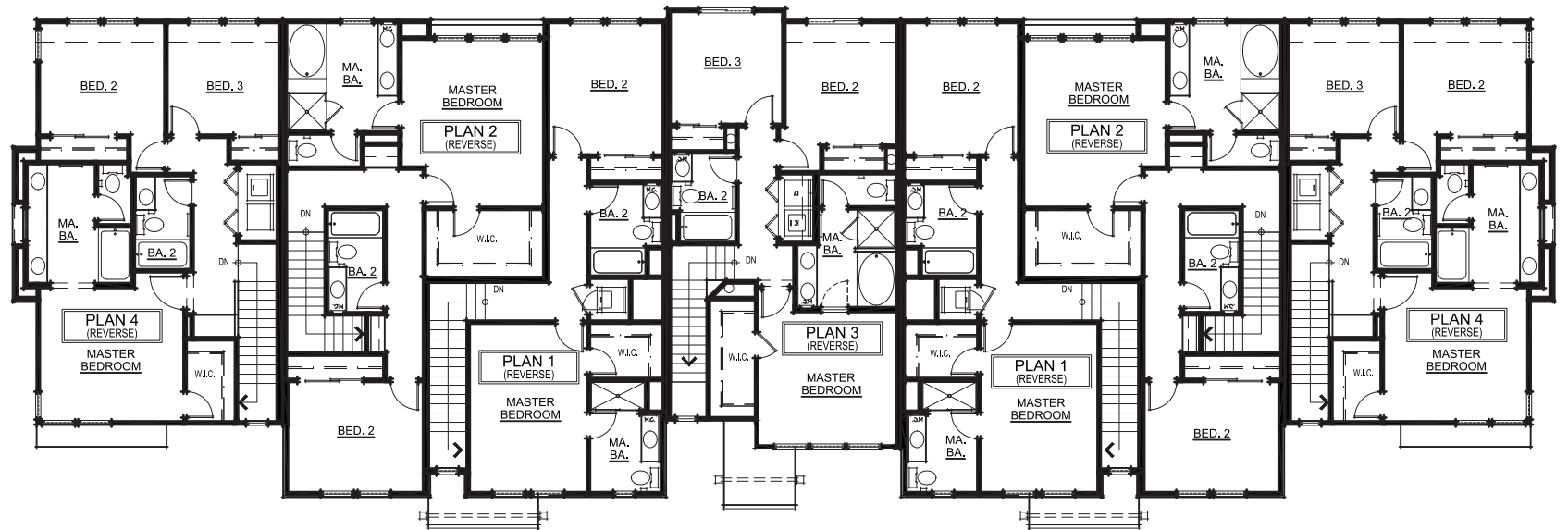
BUILDINGS A & G - FIRST & SECOND FLOOR PLANS

A8

Tarob Court  
Milpitas, CA  
July 28, 2016



ROOF PLAN



0 2' 4' 6' 8' 16'

THIRD FLOOR PLAN

Tarob Court  
Milpitas, CA  
July 28, 2016

BUILDINGS A & G - THIRD FLOOR & ROOF PLANS

A9



## M E M O R A N D U M

**DATE:** July 7, 2016

**TO:** Neal Martin, Contract Planner, City of Milpitas

**FROM:** Theresa Wallace, Associate/Project Manager  
Judith H. Malamut, AICP, Principal

**SUBJECT:** Addendum to the California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California

This memorandum is an addendum to the CEQA Exemption Memo prepared for the 1980 Tarob Court Project, dated May 13, 2016. The May 13 memo and attachments provide a description of the 1980 Tarob Court Project (project) and substantial evidence to confirm that the potential project is exempt from further environmental analysis per CEQA Guidelines Section 15168(c). As described in the May 13 memo, the approximately 2.81-acre project site is located at 1980 Tarob Court in Milpitas, Santa Clara County. The proposed project would involve demolition of the existing building, landscaping and associated parking on the site and construction of 61 residential units in nine separate buildings, and associated improvements, including abandonment of an approximately 0.21 acre portion of Tarob Court.

Since the May 13 memo was prepared, the project applicant has slightly revised the development program for the proposed project. The number of residential units would be reduced from 61 units to 59 units, a decrease of 2 overall units. In addition, the previous project assumed that the residential units would be comprised of 39 townhome units and 22 flats. The revised development program assumes that all residential units would be townhomes. Other than these minor changes, the total number of project buildings, building orientation, building height and other project improvements would generally be the same and the proposed buildings would not exceed the development footprint identified for and analyzed in the May 13 memo and attachments. Therefore, no environmental impacts not already identified for the project, which is part of the City's Transit Area Specific Plan (TASP) and the TASP Final Environmental Impact Report (FEIR), would result and no changes to the analysis included in the May 13 memo are required.

As concluded in the May 13 memo, the City can approve the 1980 Tarob Court Project, as modified and described in this memo, as being within the scope of the TASP covered by its FEIR and no new environmental document for the purposes of CEQA clearance is required. Pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15168, the 1980 Tarob Court Project is exempt from further review under CEQA. This analysis finds that a Notice of Exemption may be prepared for the project and filed with the Santa Clara County Clerk.

**M E M O R A N D U M**

**DATE:** May 13, 2016

**TO:** Neal Martin, Contract Planner, City of Milpitas

**FROM:** Theresa Wallace, Associate/Project Manager  
Matt Kawashima, Planner  
Judith H. Malamut, AICP, Principal

**SUBJECT:** California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California

This memorandum and attachments provide a description of the 1980 Tarob Court Project (project) and substantial evidence to confirm that the potential project is exempt from further environmental analysis per Section 15168(c) of the California Environmental Quality Act (CEQA). The approximately 2.81-acre project site is located at 1980 Tarob Court in Milpitas, Santa Clara County. The proposed project would involve demolition of the existing building, landscaping and associated parking on the site and construction of 61 residential units in nine separate buildings, and associated improvements, including abandonment of an approximately 0.21 acre portion of Tarob Court.

Attachment A provides a project description of the 1980 Tarob Court Project. This attachment includes a description of the project, location, existing site characteristics, the proposed project and required approvals and entitlements. The City of Milpitas (City) is the CEQA lead agency for the project.

The responses in an environmental checklist (included in Attachment B to this memo) prepared for the project demonstrate for each CEQA topic that because the proposed project was evaluated and impacts were mitigated to the degree possible as part of the Milpitas Transit Area Specific Plan (TASP) Project and Final Environmental Impact Report (FEIR), no additional CEQA review is required. CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. The responses contained in the checklist confirm that the project was considered within the scope of the evaluation within the TASP FEIR and no new impacts were identified and no new mitigation measures are required.

The City can approve the 1980 Tarob Court Project as being within the scope of the TASP covered by its FEIR and no new environmental document for the purposes of CEQA clearance is required. Pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15168, the 1980 Tarob Court Project is exempt from further review under CEQA. This analysis finds that a Notice of Exemption may be prepared for the project and filed with the Santa Clara County Clerk.

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**ATTACHMENT A**  
**PROJECT DESCRIPTION**



## **PROJECT DESCRIPTION**

The following describes the proposed 1980 Tarob Court Project (project), which is located within the planning area for the Milpitas Transit Area Specific Plan (TASP). This section includes a summary description of the project's location and existing site characteristics, required approvals, and entitlements. The City of Milpitas (City) is the lead agency for review of the project under the California Environmental Quality Act (CEQA).

### **A. PROJECT SITE**

The following section describes the location and site characteristics for the project site and provides a brief overview of the existing land uses within and in the vicinity of the site.

#### **1. Location**

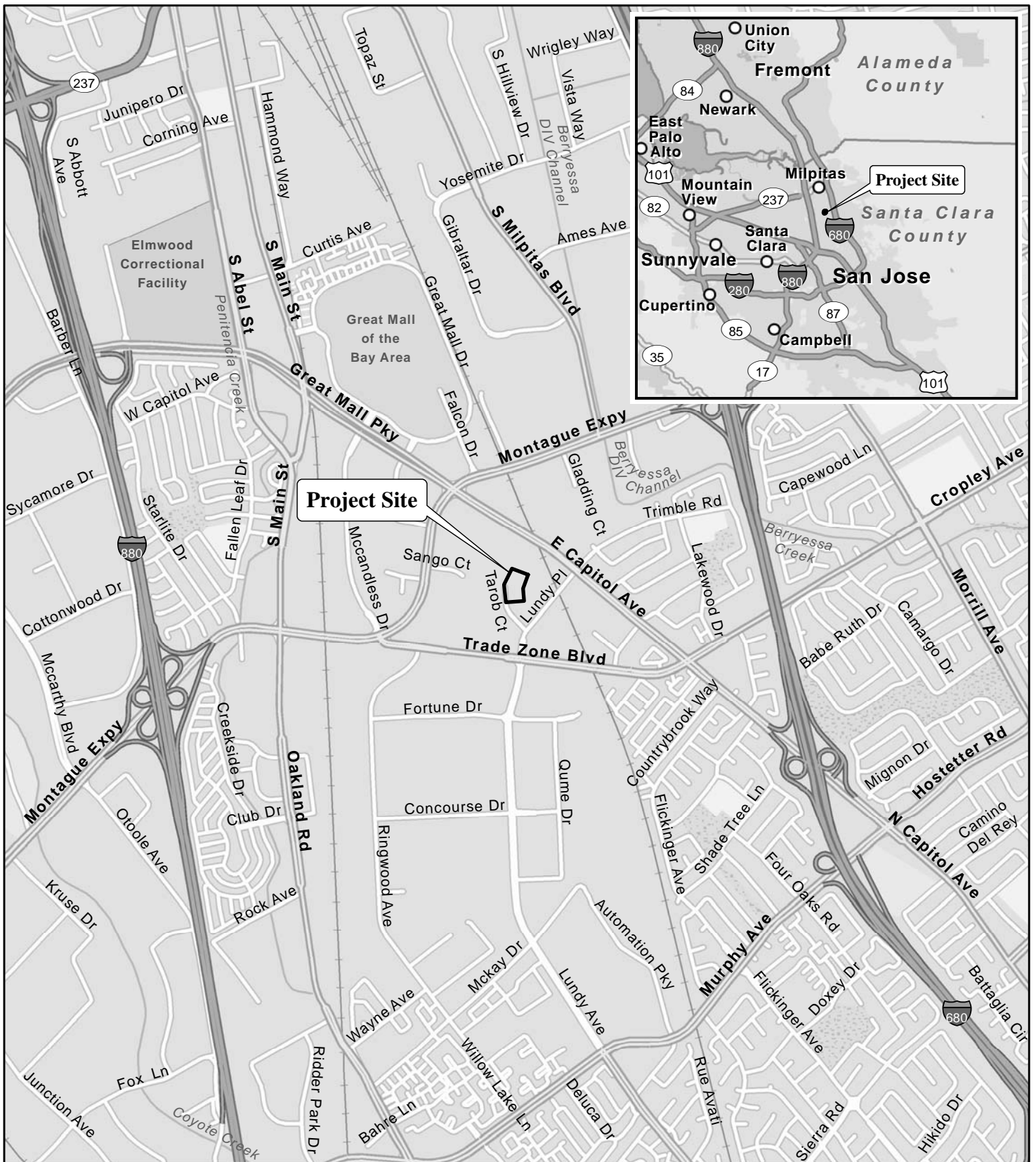
The approximately 2.81-acre project site is located at 1980 Tarob Court and is situated south of East Capitol Avenue and the Great Mall Shopping Center in the southern portion of the City of Milpitas, Santa Clara County. The project site is bounded by Penitencia Creek East Channel of the Santa Clara Valley Water District (SCVWD) on the north and industrial and commercial uses to the east, south and west. Tarob Court terminates in a cul-de-sac bulb along the western boundary of the 1980 Tarob Court property, and a 0.21-acre portion of this roadway would be abandoned by the City and included in the project site area as further described below.

Regional vehicular access to the project site is provided by Interstate 880 (I-880) located to the west and by Interstate 680 (I-680) located to the east of the site. The future Milpitas BART station is currently under construction and will be co-located with the existing Valley Transportation Authority (VTA) light rail station, north of the project site and south of the intersection of Great Mall Parkway/East Capitol Avenue and the Montague Expressway.

Figure 1 shows the site's regional and local context. Figure 2 depicts an aerial photograph of the project site and surrounding land uses.

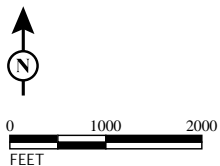
#### **2. Site Characteristics and Current Site Conditions**

The generally level project site includes the 2.6-acre Tarob Court property (Assessor's Parcel Number [APN] 086-036-040) and a 0.21-acre portion of the existing Tarob Court right-of-way. The site is currently developed with a 46,000-square-foot single-story building with warehouse and office space, loading docks, paved parking and landscaped areas. The existing building was constructed in the 1980s and the site was previously used for agricultural purposes prior to building construction. The building is currently occupied by a semiconductor equipment refurbisher and an electronic industry equipment reseller.



LSA

FIGURE 1



SOURCE: ESRI STREETMAP NORTH AMERICA, (2012).

I:\MLP1603 1980 Tarob Court\figures\Fig\_1.ai (4/7/16)

1980 Tarob Court Project  
Project Location and Regional Vicinity Map



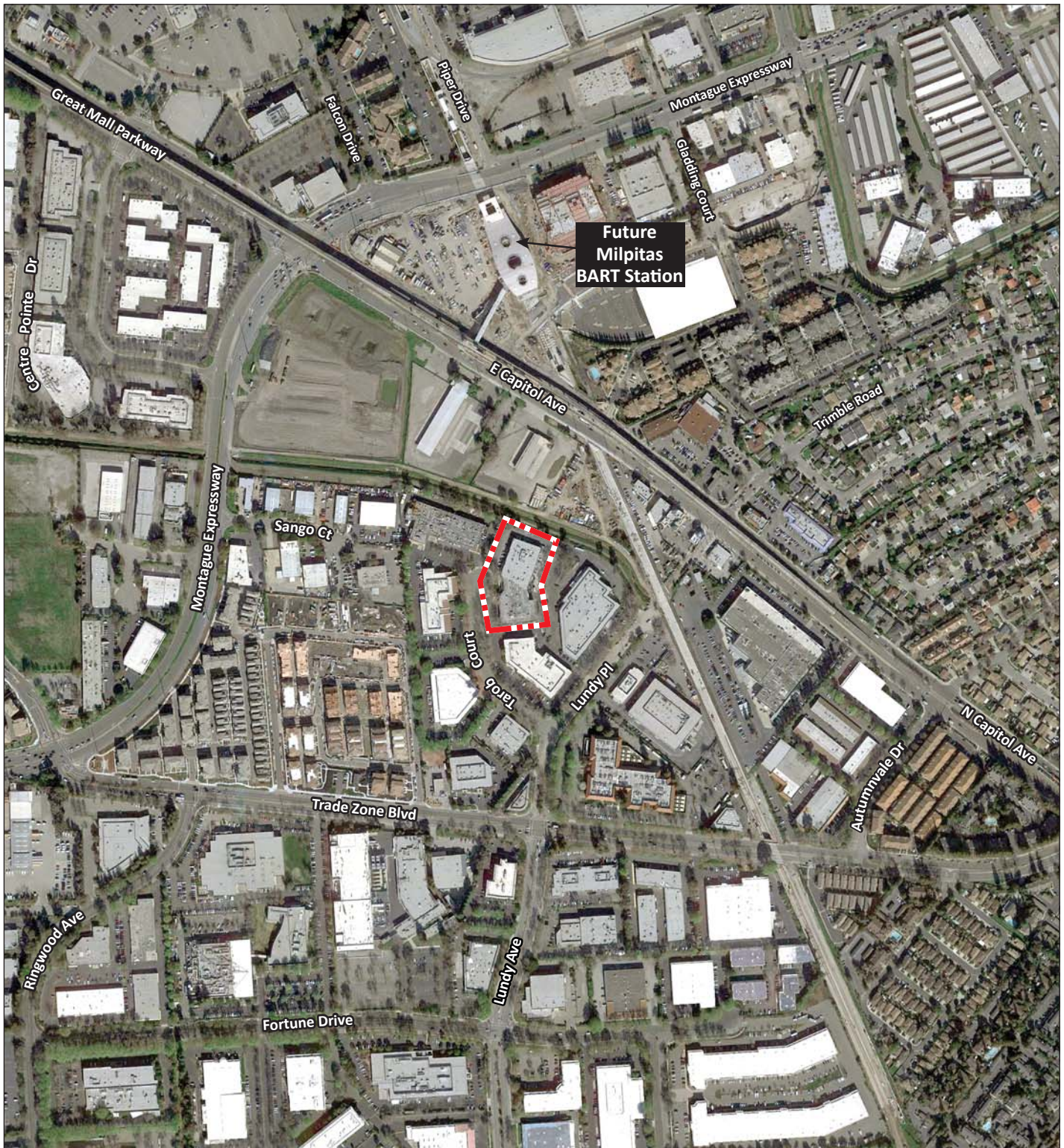
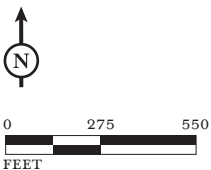



FIGURE 2

LSA



 Project Site

*1980 Tarob Court Project*  
Project Site and Surrounding Land Uses

SOURCES: GOOGLE EARTH, JANUARY 2016; LSA ASSOCIATES, INC., 2016.

I:\MLP1603 1980 Tarob Court\figures\Fig\_2.ai (4/7/16)

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The project site primarily consists of developed surfaces and pavement, with small areas of bare ground interspersed throughout. According to the Federal Emergency Management Agency (FEMA) the project site is located in Flood Zone AO, which is a designated floodplain. There are a total of 44 trees located on the site, including 41 protected trees as defined by the City of Milpitas.<sup>1</sup> However, there are no trees designated with Heritage status. Access to the site is provided via a driveway on Tarob Court. Existing site conditions are depicted in Figure 3.

### **3. Existing General Plan and Zoning**

The project site is currently designated in the General Plan as Multi-Family Residential (MFH) and as High Density Transit Oriented Residential in the TASP. The site is zoned as Multi-Family Residential, High Density (R3) and located in the Transit-Oriented Development Overlay zone. The project site is also located within the Trade Zone/Montague subdistrict of the TASP.

### **4. Milpitas Transit Area Specific Plan**

In 2008, the City of Milpitas adopted the Milpitas TASP<sup>2</sup> as a guide for development and redevelopment of its light industrial corridor near the future Milpitas BART and current VTA station. The goals of the TASP are to create an attractive and livable neighborhood within walking distance of the future Milpitas BART and VTA light rail transit stations and to transform the older, light industrial area into a residential and commercial area that would meet demand for housing, offices, and shopping in the Bay Area. Milpitas designated the TASP to accommodate substantial growth, minimize impacts on local roadways, and reduce urban sprawl at the periphery of the region.

Environmental impacts associated with implementation of the TASP were evaluated in the Final Environmental Impact Report<sup>3</sup> (TASP FEIR). The TASP FEIR, certified in 2008, evaluates the environmental impacts of approximately: 1) 7,100 units of residential development; 2) 18,000 new residents; 3) 4,200 new jobs; 4) 1.0 million square feet of office space; 5) 285,000 square feet of retail space; and 6) 175,000 square feet of hotels.

The TASP identifies subdistricts within the planning area, each having its own policies related to street design, land use, building height, setbacks, parks and building design. The project site is located within the Trade Zone/Montague subdistrict of the TASP study area. The Trade Zone/Montague subdistrict is identified as being an attractive residential district with ample green space that would serve transit users as it is located directly adjacent to the BART station and VTA light rail. Capitol Avenue and Montague Expressway are specifically identified as providing mid-rise and high-rise mixed use buildings that will buffer lower density residential uses from traffic and BART noise.

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<sup>1</sup> HortScience, Inc., 2015. *Arborist Report, Tarob Court, Milpitas, CA*. August 31.

<sup>2</sup> Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan*. June. Amended December 2011.

<sup>3</sup> Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

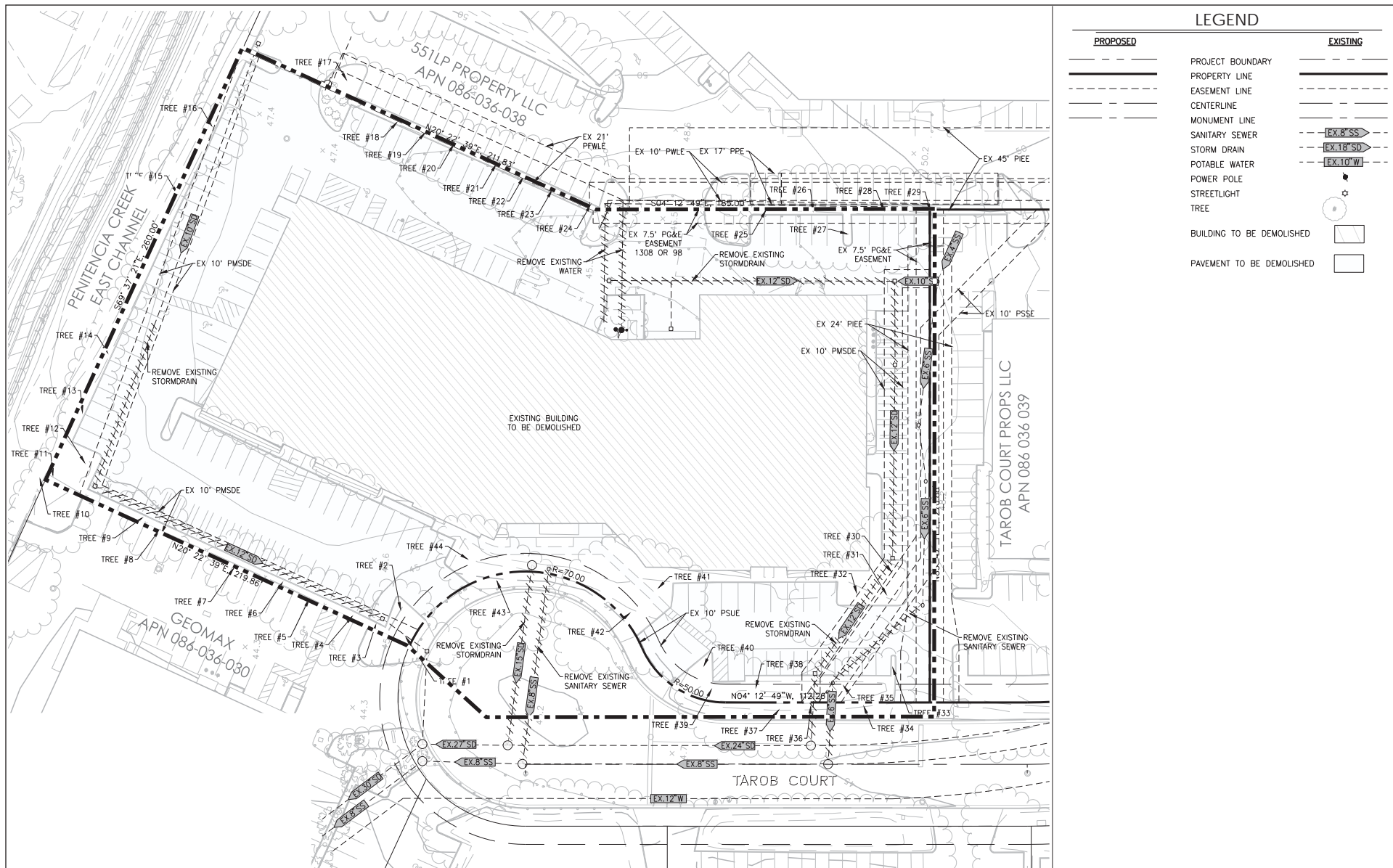
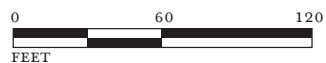


FIGURE 3

LSA



Project Boundary

SOURCE: TRUE LIFE COMPANIES; WOOD RODGERS, MARCH 2016

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1980 Tarob Court Project  
Existing Site Conditions

## 5. Surrounding Land Uses

The project site is located within in the light industrial land-use corridor of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial uses. New residential units as part of the TASP have been constructed within the vicinity of the project site. Additionally, approximately 489 residential units are under construction just north of the site at the intersection of Montague Expressway and East Capitol Avenue (450 Montague Project). The project site is also located south of the under-construction Milpitas BART station and is within proximity to the Great Mall Shopping Center in Milpitas, located approximately 0.5 miles northwest of the project site.

## B. PROPOSED PROJECT

This section provides a description of the proposed project as identified in the materials provided by The True Life Companies (the project applicant) that are dated March 1, 2016. The project applicant proposes to demolish the existing building, landscaping and associated parking on the site and construct 61 residential units in nine separate buildings. In addition, a 0.21-acre portion of the Tarob Court cul-de-sac bulb right-of-way is proposed to be abandoned and added to the subject property, resulting in a total site area of approximately 2.81 acres.

Development of the site would also include parking as well as open space and landscaping throughout the project site. Each unit would have its own parking garage with space for two vehicles. In addition, a total of 15 on-street guest parking spaces would be provided along the internal street network. Figure 4 depicts the overall conceptual site plan for the proposed project.

The TASP FEIR evaluated the environmental impacts associated with implementation of the entire TASP of which the proposed project is a part of. Table 1 shows the housing units and population assumptions evaluated within the TASP FEIR, the number of approved units, and under construction units. As shown, the development associated with the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR.

**Table 1: Existing and Proposed Housing Units and Population with the Specific Plan Area**

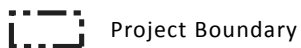
|               | <b>Evaluated Within<br/>The TASP FEIR</b> | <b>Approved</b>     | <b>Proposed<br/>Project</b> | <b>Remaining<br/>Development<br/>Available</b> |
|---------------|---|---------------------|-----------------------------|--|
| Housing Units | 7,109 <sup>a</sup>                        | 5,853               | 61                          | 1,195  |
| Population    | 17,915 <sup>a</sup>                       | 14,750 <sup>b</sup> | 154 <sup>b</sup>            | 3,011  |

<sup>a</sup> Milpitas, City of, 2008. *Final Transit Area Specific Plan EIR*.

<sup>b</sup> Estimated population associated with approved units, under construction units, and the proposed project was determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents / 7,109 units = 2.52 residents per unit).

Source: Sarah Fleming, 2016. Senior Planner, City of Milpitas. April 26.





I:\MLP1603 1980 Tarob Court\figures\Fig\_4.ai (4/6/16)

*1980 Tarob Court Project*  
Conceptual Site Plan

## **1. Residential Units**

The proposed project would result in the demolition of the existing building and surface pavements on the site and the development of nine residential buildings (Buildings A through I), oriented towards surrounding streets, internal pathways, and the nearby Penitencia Creek. The project would develop a total of 61 attached residential units at a density of approximately 23.5 dwelling units per acre, including 39 townhome units and 22 flats. The project includes four different floor plans ranging from 1,152 square feet for the smallest units to 1,891 square feet for the largest units. Building heights would not exceed 38 feet, 5 inches and each building would be three stories in height. Figures 5a and 5b depict conceptual building elevations for two of the building types.

## **2. Open Space and Landscaping**

The proposed project would include a total of 0.7 acres of public and private open space and landscaped areas. Private open space would consist of 0.21 acres of common recreational space located primarily within an internal courtyard as well as within internal landscaped pathways to be utilized by residents. An additional 0.37 acres of private open space and landscaping would be incorporated throughout the site, including the front yards of most units. Landscaping would be provided throughout the site, including planting strips along Tarob Court and within the internal roadway network. Public open space would consist of a total of 0.12 acres along Penitencia Creek in the form of a 10-foot wide concrete trail within a 25-foot-wide dedicated easement.

There are currently 44 existing trees on the site, including 41 protected trees. As previously noted, none of the trees qualify for Heritage or Specimen status. The project proposes the removal of all 44 trees as part of construction and excavation activities. A total of approximately 130 new trees would be planted on the site.

## **3. Access, Circulation and Parking**

The two existing driveways into the site from the cul-de-sac bulb would be removed and one new replacement curb cut would be provided as part of site development. The existing shared driveway curb cut at the south end of the site would be retained. An approximately 9,308-square-foot (0.21-acre) portion of the Tarob Court cul-de-sac bulb would also be abandoned by the City of Milpitas to accommodate the new project site entrance and project buildings. As part of future development in the area (and not part of the proposed project), Tarob Court would be extended to the north and west (future Sango Court-Tarob Court Extension) to connect to the future Milpitas Boulevard Extension, which would provide through access to the properties to the north and ultimately to East Capitol Avenue. Until these roadway connections are constructed, temporary circulation for public access on Tarob Court would result in circulation through the interior of the project site (via Entry A and through B Circle around Building A) to provide a turnaround for vehicles (see Figure 4).

New interior streets would serve on-site circulation and would provide internal connections to each of the proposed buildings and into and out of the site from Tarob Court. Ingress and egress to the site would accommodate fire and emergency access vehicles as well as solid waste collectors. As previously discussed, parking would primarily be provided through individual parking garages oriented towards internal streets; a total of 15 on-street guest parking spaces would also be provided along the internal road network.

#### 4. Utilities and Infrastructure

The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. The majority of existing utilities within the boundary of the project site would be removed. Existing and proposed utility connections are discussed below.

**a. Water.** Water service in the City of Milpitas is provided by the SCVWD. The proposed project includes the removal of all existing utilities, including water mains. As such, new mains and connections would be provided as part of the project and would be sized a minimum diameter of 8-inches.

**b. Wastewater.** The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including a line along Tarob Court. The proposed project includes the removal of on-site wastewater lines. The proposed project includes the installation of new on-site wastewater lines that would connect to the City's existing 8-inch line along Tarob Court.

**c. Stormwater.** The existing buildings, paving, concrete and other impervious surfaces account for approximately 2.3 acres (90 percent) of the existing project site. The remaining 0.3 acres (10 percent) of the site is covered by pervious surfaces consisting of open space and landscaped areas scattered throughout the project site. Current drainage of the site directs runoff to the north and south sides of the site. A 10-inch and a 12-inch storm drain pipe convey runoff into the public storm drain line in Tarob Court which ultimately discharges through an existing outfall into Penitencia Creek.

The proposed project would involve the removal of existing on-site storm drain lines as part of the project and include the installation of new lines on the site. Water would be treated with a combination of bioretention and flow-through planters to treat runoff before entering the storm drain system. In addition, the existing public storm drain line along Tarob Court would be utilized and connect with the new storm drain lines on the project site.

Upon construction of the proposed improvements, approximately 2.38 acres (85 percent) of the project site would be covered by impervious surfaces and approximately 0.42 acres (15 percent) would be covered by landscaped areas including lawns, shrubs, and trees. All walkways within these areas would be sloped to drain onto the surrounding landscaping.

Bio-retention areas would be incorporated into the landscape design to provide appropriate vegetation and water quality treatment in open spaces, roofs, driveways, streets, and sidewalks. On-site drainage would be designed consistent with Santa Clara County National Pollutant Discharge Elimination System (NPDES) C.3 requirements for Low Impact Development.

**d. Flood Management.** As previously noted, the project site is located in Flood Zone AO. The applicant is proposing to place engineered fill across the site, raising the grade by approximately 4 feet and make other modifications so that the project complies with the City of Milpitas Floodplain Ordinance Section XI-15-4.3(a)(4). That Municipal Code section provides that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1.0 foot at any point.



FRONT ELEVATION



REAR ELEVATION

FIGURE 5a

LSA



SOURCES: TRUE LIFE COMPANIES; SDG ARCHITECTS, INC., MARCH 2016

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*1980 Tarob Court Project*  
Conceptual Building Elevations





LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

LSA

FIGURE 5b





**e. Electricity and Natural Gas.** Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The proposed project proposes the removal of all existing utilities and would require the construction of new electricity and gas connections to serve the project. New electrical lines (servicing the project only) would be installed underground.

To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen's 2013 standard building measures for residential buildings and Title 24 requirements.

## **C. APPROVALS/PERMITS**

The following approvals and permits would be required for the project:

- Site Development Permit
- Conditional Use Permit for compact and tandem parking spaces
- Vesting Tentative Map
- Demolition Permit
- Quitclaim or Street Abandonment for a portion of Tarob Court
- Tree Removal Permit

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**ATTACHMENT B**

**PROGRAM EIR CHECKLIST  
PURSUANT TO CEQA GUIDELINES SECTION 15168**



## PROGRAM EIR CHECKLIST PURSUANT TO CEQA GUIDELINES SECTION 15168

CEQA Guidelines Section 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the 1980 Tarob Court Project is within the scope of the Transit Area Specific Plan EIR (TASP FEIR) and will have no effects and no new mitigation measures are required, and as such, the City can approve the 1980 Tarob Court Project as being within the scope of the TASP covered by its EIR and no new environmental document is required. Pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15168, the 1980 Tarob Court Project is exempt from further review under CEQA.

### ENVIRONMENTAL CHECKLIST

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>I. AESTHETICS.</b> Would the project:   |                                      |   |                                    |                                     |
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

### DISCUSSION

As described in more detail in the project description (Attachment A), the 2.81-acre site currently includes a 46,000-square-foot, single-story building with warehouse and office space, loading docks, paved parking, limited landscaping, and a portion of the Tarob Court cul-de-sac. The proposed project would result in the demolition of the existing structure and pavement on the site and the removal of all existing trees. The project would construct a new residential development on the site consisting of 61 residential units within 9 buildings and associated open spaces, landscaping and circulation improvements. The project site is located in the Trade Zone/Montague subdistrict of the TASP.



Specific policies that apply to all subdistricts are outlined further below and would be applicable to the proposed project.

As noted in the TASP FEIR, implementation of the TASP will enhance the visual and aesthetic character of the planning area by incorporating specific development standards to ensure that impacts to visual resources are less than significant. These development standards and design guidelines are detailed in Section 5 of the TASP and include policies related to street design, land use, building height, setbacks, parks and building design in order to create a unique character for each subdistrict within the TASP area.

The primary potentially significant impact to scenic resources identified in the TASP FEIR was the potential for 12- to 24-story buildings along Montague Expressway to block scenic views of the eastern foothills (Impact 3.2-1). The proposed project would include buildings that would be three stories in height and would not exceed 39 feet, which is substantially less than what was assumed in the TASP FEIR. The project site is also located on Tarob Court where views of the eastern foothills are generally obscured by surrounding commercial and industrial buildings. Additionally, given the heights of the proposed structures on the project site, intermittent views of the hills would still be available from the site. Therefore, the proposed project would have a less severe effect on scenic views of the foothills than was identified in the TASP FEIR.

The TASP FEIR determined that TASP policies related to aesthetics ensure that impacts are less than significant. The design style and materials proposed for the 1980 Tarob Court Project are consistent with the policies outlined in the TASP.

The TASP FEIR also addressed the loss of mature trees that serve as visual or scenic resources in the area, specifically on McCandless Drive. The proposed project is not located on or near McCandless Drive and, as such, would have no impact on the mature trees that exist on McCandless Drive. Other than the scenic trees on McCandless Drive, there are no scenic resources located within the Planning area.<sup>1, 2</sup>

There are currently a total of 44 existing trees on the site, including 41 protected trees.<sup>3</sup> Project construction activities would result in the removal of all existing trees on the project site. All tree removal activities on the project site would be conducted in compliance with the City ordinance which requires a tree removal permit for the removal of any protected tree and compensation for lost trees as may be requested by the City. The proposed project includes the planting of approximately 131 new trees on the site which would increase the total number of trees by 87 over existing conditions.

The TASP FEIR found that there are potential significant impacts resulting from the introduction of new light and glare in the area (Impact 3.2-2), but concluded that TASP Development Standards

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<sup>1</sup> Dyett and Bhatia, 2007. *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*. October.

<sup>2</sup> Dyett and Bhatia, 2008. *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May.

<sup>3</sup> HortScience, Inc., 2015. Tree Inventory, 1980 Tarob Court, Milpitas, CA. August 31.

related to lighting will minimize light and glare impacts. The proposed project would not cause any new light and glare impacts.

The 1980 Tarob Court Project is generally consistent with the type of development analyzed in the TASP FEIR; it would reduce the height of the buildings from what was assumed in the TASP FEIR, would be consistent with the TASP policies relating to aesthetics, and would substantially increase the number of trees on the property in comparison to existing conditions. As such, there is no new impact on visual and aesthetic resources.

### **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **APPLICABLE POLICIES TO REDUCE THE IMPACT**

The proposed project would comply with the following policies.

#### **TASP Development Standards**

- Utilities shall be underground or in subsurface conduits and accessible.

#### **TASP Policies**

Other TASP Development Standards:

##### *5. Lighting*

- a. Lighting should be designed and placed to direct lighting to appropriate surfaces and minimize glare into adjacent areas.
- b. The light source used in outdoor lighting should provide a white light for better color representation and to create a more pedestrian-friendly environment.
- c. Low pressure sodium lamps are prohibited.
- d. To reinforce the pedestrian character of the area, light standards along sidewalks should be approximately 12 to 16 feet in height.
- e. The use of uplighting to accent interesting architectural features or landscaping is encouraged

### **CONCLUSION**

The TASP FEIR adequately evaluated the potential aesthetic impacts of the 1980 Tarob Court Project and no new impacts would result.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>II. AGRICULTURAL AND FORESTRY RESOURCES.</b>   |                                      |   |                                    |                                     |
| In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: |                                      |   |                                    |                                     |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

There are no agricultural or forestry resources located within or near the project site. The TASP area is predominantly urbanized and is classified as "Urban and Built-Up Land" by the State Department of Conservation. The City of Milpitas does contain prime farmland between North McCarthy Boulevard and Coyote Creek, north of Route 237. However, this prime farmland is not located within the boundaries of the TASP. The proposed project is also not located on land that is currently under a Williamson Act contract. In addition, the City does not contain woodland or forestland cover, nor land zoned for timberland production

Therefore, the proposed project would not result in a significant impact to agriculture or forestry resources.

## APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## CONCLUSION

There would be no agriculture or forestry impacts associated with the 1980 Tarob Court Project.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:  |                                      |   |                                    |                                     |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

### Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if a project would conflict with or obstruct implementation of an applicable air quality plan, which for the TASP FEIR was the 2005 Bay Area Ozone Strategy.<sup>4</sup> In forecasting future stationary and mobile source emissions and preparing the regional air quality plan, the BAAQMD uses growth projections prepared by ABAG. The BAAQMD based its 2005 Bay Area Ozone Strategy on population projections in the 2003 ABAG Projections.<sup>5</sup> The TASP FEIR found that population increases in the City are anticipated to exceed population increases accounted for by the 2003 ABAG Projections, thus resulting in a significant and unavoidable impact (Impact 3.6-1) related to consistency with the applicable federal Environmental Protection Agency (EPA) Clean Air Plan (CAP).

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. Implementation of the TASP includes policies that address transportation and land use that are consistent with the CAP. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout the TASP Area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit, which support the CAP. The proposed land use and zoning of the 1980 Tarob Court Project would result in a building density at the project site that is similar to what was evaluated in the TASP. Therefore, the population growth associated with the proposed project is consistent with the TASP and would not result in any new impacts related to consistency with the CAP.

The TASP FEIR identified measures to reduce air emissions such as encouraging the use of pedestrian walkways and bikes, and designing streets for slower speeds, but concluded that air quality impacts would be significant and unavoidable. The project would implement the TASP measures and would not increase the previously-identified impacts. Thus conclusions about compliance with the CAP in the TASP FEIR remain applicable to the project.

### Regional Air Pollutant Emissions

The TASP FEIR identified that development of projects under the TASP could further contribute to non-attainment of air quality standards. The TASP FEIR also identified that buildout of the TASP could place sensitive land uses (land uses that could house sensitive receptors) near local intersections or roadways associated with air pollutant emissions that exceed (worsen) State or federal ambient air quality standards.

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<sup>4</sup> Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

<sup>5</sup> Association of Bay Area Governments, 2003. *Projections 2003*.



The 1980 Tarob Court Project would develop the site with new residential uses, similar to what the TASP envisioned. The new uses would result in mobile air quality impacts from increased vehicle trips to and from the project site and air quality impacts such as emissions generated from the use of landscaping equipment and consumer products. Therefore, the proposed project would also contribute to the significant regional and local air quality impacts identified in the TASP FEIR. The TASP FEIR identified policies which provide measures to reduce vehicle trip generation and thus vehicle emissions from the project. Although the policies would reduce air quality impacts, regional emissions would remain significant and unavoidable as identified in the TASP FEIR. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than described and evaluated in the TASP FEIR.

### **Construction-Related Impacts**

Construction activities would cause temporary adverse effects on local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases immediately after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Development of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP FEIR. Implementation of TASP Policy 5.16 would reduce construction-related air quality impacts; therefore, the proposed project would also not result in any new or more significant construction-related air quality impacts than were evaluated in the TASP FEIR. This impact would remain less than significant.

### **Local Community Risk and Hazard Impacts to Sensitive Receptors**

The TASP FEIR identified a variety of pollutant or toxic air emissions, such as diesel exhaust and those from dry cleaning facilities, in addition to emissions that could be released from construction projects and operations associated with the proposed project. TASP Policy 5.23 requires project sponsors to inform future and/or existing sensitive receptors of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts. As identified in the TASP FEIR, this information could be disseminated through rental agreements, real property disclosure statements, and/or mailed notices to existing residents and property owners; and would include, but would not be limited to: location of dry cleaners, proximity to diesel emission from trucks and passenger vehicles, and light duty industrial operations.

The project site is located approximately 450 feet west of the future BART/VTA light rail line. TASP Policy 5.25 requires an analysis of the impact on future sensitive receptors located within 500 feet of active rail lines or roadways if traffic exceeds 100,000 vehicles per day. If the results show that the

carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents. The proposed project would be required to comply with Policy 5.25 by incorporating filters with a MERV rating of 11 or higher; therefore, implementation of the project would not result in any new air quality impacts related to the exposure of sensitive receptors to risk and hazards.

### **Objectionable Odors**

The TASP FEIR did not address potential odor impacts for the proposed project. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not create objectionable odors affecting a substantial number of people. The proposed project would not increase impacts beyond those evaluated in the TASP FEIR and would have a less-than-significant impact related to odors.

### **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

#### **General Plan Policies**

- *Policy 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.*
- *Policy 3.d-I-9: Require developers to make new projects as bicycle and pedestrian “friendly” as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.*
- *Policy 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.*
- *Policy 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.*
- *Policy 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.*

#### **TASP Policies**

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 [of the TASP]. The City*

*and/or private property owner shall install sidewalks in areas where they currently do not exist, and where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.*

- *Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes are continuous and designed to be attractive and safe for pedestrians.*
- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.*
- *Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as day care facilities, schools, nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.*
- *Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.*
- *Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the TASP shall implement the BAAQMD's approach to dust abatement. This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999).*
- *Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.*

## CONCLUSION

The TASP FEIR adequately evaluated the air quality impacts of the 1980 Tarob Court Project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>IV. BIOLOGICAL RESOURCES.</b> Would the project:  |                                      |   |                                    |                                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The majority of the TASP area is already developed and there are no sensitive habitats identified within the area. The TASP FEIR found that implementation of the TASP would largely have minimal impacts on biological resources. However, the TASP FEIR concluded that proposed development within the TASP would result in removal of landscaping and disturbance to habitat, which could affect wildlife, including burrowing owl, nesting birds and common wildlife species (Impacts 3.8-1 and 3.8-2). The TASP FEIR also found that development activities near jurisdictional hydrologic features, such as Lower Penitencia Creek, could result in significant impacts (Impacts 3.8-4 and 3.8-5). The TASP FEIR concluded that implementation of the proposed policies of the General Plan and TASP would ensure that the impact to biological resources is less than significant.

The only record of special-status species occurring in the area is the burrowing owl. The TASP FEIR notes that development of vacant and ruderal lots could result in a loss of burrowing owls or their nests and requires specific policies to reduce impacts to burrowing owl habitat. However, since the project site currently is approximately 90 percent developed with impervious surface area, the project site is not considered to provide suitable habitat for burrowing owls and the proposed project would not be required to comply with TASP Policy 5.26 related to burrowing owl habitat. Therefore, there would be no new impacts related to special-status species as a result of the proposed project.

The TASP states that nesting habitat for non-listed special-status raptor species occurs on and near the TASP area as many species will exploit large ornamental trees for cover, nesting, or stop over locations during migration, especially with the availability of Penitencia Creek nearby. Removal of large, mature trees can cause direct mortality to nesting birds and their young and construction disturbance can cause nest abandonment resulting in indirect losses to avian species. Implementation of TASP Policy 5.27 (discussed below) would reduce potential impacts to nesting raptors and other birds to less-than-significant levels.

The City implements a tree and planting ordinance to protect significant trees,<sup>6</sup> which requires approval of a permit for tree removal. According to the City ordinance, any tree that is located on developed commercial or industrial property or on vacant, undeveloped property is protected if the trunk measures 37 inches or greater circumference at 4.5 feet above the ground. There are currently a total of 44 trees on the project site, including 41 protected trees. The proposed project would result in the removal of all existing trees on the site. A tree removal permit is required to remove any protected tree and compensation for lost trees may be requested by the City. Tree removal would also comply with all City requirements to minimize impacts on biological resources during removal. In addition, the applicant proposes to plant 131 new trees throughout the project site as part of the landscaping of the project.

Penitencia Creek, which is located immediately south of the project site, is protected under Section 404 of the Clean Water Act. The TASP EIR found that while development could have an impact on wetlands and other waterways associated with Penitencia Creek (Impacts 3.8-4 and 3.8-5), direct impacts on the creek are not likely to occur due to required setbacks from the creek (a minimum of 25

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<sup>6</sup> Milpitas, City of. Municipal Code, Title X, Street and Sidewalks, Section 7 – Tree Protection and Heritage Tree Program.



feet from top of bank or from a maintenance road if one exists for creation of a public trail) in addition to required side or rear yard setbacks. The General Plan also requires the project applicant to coordinate with appropriate agencies such as the U.S. Army Corps of Engineers, California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB) if necessary. The General Plan and TASP policies outlined below ensure that impacts would be less than significant. Therefore, the 1980 Tarob Court Project would have no direct impact on Penitencia Creek.

The 1980 Tarob Court Project is consistent with the type of development analyzed within the TASP FEIR. Demolition and tree removal activities would be conducted in conformance with TASP Policy 5.27 and would comply with the City's Tree Ordinance. As such, there is no new impact on biological resources.

### **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

#### **General Plan Policies**

- *Policy 4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.*
- *Policy 4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.*

#### **TASP Policies**

- *Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFW (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
- *Policy 5.29: Per Figure 5-23 G and Tables 5-1 and 5-2 [of the TASP], a minimum 25 foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.*
- *Policy 5.30: Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFG, as required by law. Coordination will include evaluation of existing riparian habitat and development of*

*avoidance, minimization, and/or compensatory measures sufficient to procure a Streambed Alteration Agreement with the CDFW.*

- *Policy 5.31: For properties adjacent to any waterway in the study area, the following requirements shall apply:*
  - *Any plans for construction over the Santa Clara Valley Water District (SCVWD) fee or easement lands require review and issuance of a permit.*
  - *The SCVWD's Milpitas Pipeline, located at the north end of the study area and adjacent and parallel to the rail line continuing south onto Capitol Avenue at the southern end of the study area, shall be shown on all future plans.*
  - *Projects should generally be consistent with the recommendations developed by the Water Resources Protection Collaborative in the "Guidelines and Standards for Land Use Near Streams."*
- *Policy 5.32: Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.*

#### **Municipal Tree and Planting Ordinance**

- *The Tree and Planting Ordinance of the City of Milpitas protects significant trees, as defined by the Ordinance, including heritage trees, throughout the city. A tree removal permit is required to remove any protected tree and compensation for lost trees may be requested by the City (Ord.201.1, 3/1/88).*

#### **CONCLUSION**

The TASP FEIR adequately evaluated the potential biological impacts of the 1980 Tarob Court Project and no new impacts would result.

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|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>V. CULTURAL RESOURCES.</b> Would the project:  |                                      |   |                                    |                                     |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP FEIR concluded that the potential impact of development within the TASP area on cultural resources, including historic, archeological and paleontological resources and human remains would be less than significant. However, the TASP FEIR concluded that disturbance to cultural resources could occur during grading and development of individual project sites within the TASP area, and that there is a reasonable possibility that archeological deposits could be uncovered and identified during grading (Impacts 3.13-2 and 3.13-3). The TASP FEIR identifies several national, State and local laws and policies in the General Plan and TASP that would reduce the potential impacts on known or undiscovered cultural resource to less than significant levels.

There are no known historic or cultural resources within the project site.<sup>7, 8</sup> The existing structure that would be demolished as part of the project is approximately 30 years old, is typical of industrial buildings located throughout the State, and is not likely to yield important information about the State or region's history. The project applicant would be required to adhere to all applicable State laws if human remains are discovered during project construction, and would be required to follow TASP Policies 5.34 and 5.35 during earth moving activities. Construction of the 1980 Tarob Court Project would not result in any new impacts to cultural resources.

In addition, since certification of the TASP FEIR, the California Legislature passed AB 52, which provides for consultation with Native American tribal organizations during the CEQA process. Effective July 1, 2015, prior to the release of an environmental document for public review, a lead

<sup>7</sup> Milpitas, City of, 2016. Cultural Resources Register. Available online at: [https://www.ci.milpitas.ca.gov/pdfs/plan\\_cultural\\_resources.pdf](https://www.ci.milpitas.ca.gov/pdfs/plan_cultural_resources.pdf) (accessed on April 1).

<sup>8</sup> Dyett & Bhatia, 2007. *City of Milpitas Transit Area Specific Plan DEIR. Chapter 3.13 Cultural Resources*. October.

agency must provide the opportunity to consult with local tribes. However, because the TASP EIR was certified prior to July 1, 2015, and because this document supports the finding that the proposed project is Categorically Exempt from further CEQA review and public review is not required for this document, the City is not required to conduct formal consultation under AB 52 for this project.

## **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Santa Clara County and other appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center Office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA standards of significance, construction shall proceed. On the other hand, if the archaeologist determines that further information is needed to evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the TASP Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Clara County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin,
  - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission

### **TASP Policies**

- *Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA §§ 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.*
- *Policy 5.35: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.*

### **CONCLUSION**

The TASP FEIR adequately evaluated the potential cultural resource impacts of the 1980 Tarob Court Project and no new impacts would result.

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|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>VI. GEOLOGY AND SOILS.</b> Would the project:   |                                      |   |                                    |                                     |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| iv) Landslides?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP FEIR concluded that the geologic and soil impacts in the TASP area are primarily related to potential ground shaking and associated ground failure (liquefaction), soil expansion, settlement, and soil erosion during construction activities. Since the TASP area is not located within an Earthquake Fault Hazard Zone, the likelihood of surface fault rupture is minimal. In addition, the TASP FEIR found that slope instability hazards are also minimal because the surface area in the TASP area is relatively level.

The TASP FEIR determined that impacts related to ground shaking, liquefaction, settlement, and soil erosion are less than significant when projects are built in accordance with General Plan Policy 5.a.-I-3, the City of Milpitas Municipal Code, and NPDES General Construction Permit requirements (Impacts 3.5-1, 3.5-2, and 3.5-3). Specifically, the TASP FEIR states that State of California building codes and construction standards contained in Title 24 of the California Code of Regulations reduce impacts to a less-than-significant level. The 1980 Tarob Court Project would be designed and constructed in accordance with these requirements.

Projects associated with implementation of the TASP would be required to comply with NPDES General Construction Permit requirements. Project applicants would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) to minimize the discharge of pollutants, including silt and sediment, during construction. The SWPP would need to include measures to control erosion and effectively manage runoff and retain sediment on-site during construction.

Additionally, in accordance with the City Code, building permit applications for subdivisions and projects with extensive grading (for example, projects that move more than 1,000 cubic yards of cut and fill and have cuts and/or fill more than 10 feet deep) must be accompanied by a preliminary soils report. The report must address site soil conditions, including expansive soils, settlement, and erosion, and provide recommendations to offset potential soils problems. Compliance with the recommendations included in the preliminary soils report and geotechnical investigation would help reduce potential liquefaction hazards to less-than-significant levels.

The 1980 Tarob Court Project is consistent with the type of development analyzed in the TASP FEIR and is required to adhere to General Plan and TASP policies relating to building standards and emergency service needs. A Preliminary Stormwater Management Plan was prepared for the project and provides Best Management Practices (BMPs) to be implemented at the project site in accordance with NPDES permits and Santa Clara County Urban Runoff Pollution Prevention guidance.<sup>9</sup>

In addition, a Geotechnical Investigation Report was prepared for the project site.<sup>10</sup> The report concluded that the construction of the proposed project at the project site is feasible, provided that recommendations provided are addressed in project design. The findings of the geotechnical report indicated that the project site is bound by the following geotechnical constraints: 1) presence of highly expansive soils that could damage planned structures; 2) presence of undocumented fills on the site that can undergo highly variable swell or settlement and may not adequately support the proposed residential structures and adjacent improvements; and 3) shallow groundwater that could significantly impact grading and underground construction.<sup>11</sup>

The geotechnical report makes specific recommendations to lessen these constraints, including: 1) reduce the potential for damage to the planned flatwork by ensuring that slabs-on-grade have sufficient reinforcement and would be supported on a layer of non-expansive fill; 2) shallow footings

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<sup>9</sup> Wood Rodgers, Inc., 2016. *Preliminary Stormwater Management Plan for 1980 Tarob Court, Milpitas, CA*. March 1.

<sup>10</sup> Cornerstone Earth Group, 2015. *Preliminary Geotechnical Investigation, 1980 Tarob Court, Milpitas, CA*. June 4.

<sup>11</sup> Ibid.

should extend below the zone of season moisture fluctuation and moisture changes in the surficial soils should be limited by using positive drainage away from buildings as well as limiting landscaping watering; 3) ensuring that all undocumented fill material be over-excavated and re-compacted prior to foundation construction; and 4) dewatering and shoring of utility trenches in some isolated areas of the site.

Implementation of measures identified in the geotechnical report would be required as a Condition of Approval. In addition, the project applicant is required to conduct a site-specific design-level geotechnical study that provides specific recommendation that the project must implement. Since the 1980 Tarob Court Project would comply with TASP policies, including implementing the recommendations of the preliminary geotechnical report, there are no new impacts related to geology and soils.

### **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

#### **General Plan Policies**

- *Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.*

#### **TASP Policies**

- *TASP Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *TASP Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.*

### **CONCLUSION**

The TASP FEIR adequately evaluated the potential geology and soil impacts of the 1980 Tarob Court Project and no new impacts would result.

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>VII. GREENHOUSE GAS EMISSIONS.</b> Would the project:   |                                      |   |                                    |                                     |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP FEIR found that the primary sources of greenhouse gas (GHG) emissions related to urban development in the TASP area are anticipated to continue to be from combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are anticipated from construction activity that would occur during the implementation of the TASP. Since the GHG emission rate is related to growth, the TASP promotes policies that reduce energy consumption and fuel usage by encouraging development patterns that would reduce the vehicles miles traveled (VMT) per capita and proposes a variety of actions and policies that can reduce emissions to less than significant levels.

The TASP FEIR found that the rate of increase in VMT would be less than the rate of increase in population due to the mixed-use and transit area nature of new development proposed under the TASP. The TASP FEIR found that while the population is expected to increase significantly in the area, a large percentage of that population would use transit options made available to them which in turn would reduce vehicle use. The TASP FEIR also found that the increase in VMT will not prevent the reduction of statewide GHG emissions to 1990 levels.

Individual projects incrementally contribute to the potential for global climate change on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes to the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

The TASP FEIR analyzed the potential GHG emissions that would result from buildout of the TASP. The TASP was designed to provide residential uses in proximity to retail and commercial uses and to transit, such as the BART station, to minimize the use of vehicles and generation of VMT. TASP policies also encourage the development of pedestrian friendly streets and bikeways to promote alternative forms of transportation. The proposed project would incorporate the TASP policies by: providing continuous pedestrian sidewalks and safe bike travel routes, consistent with Policy 3.21; providing direct walking routes to schools and major destinations such as retail developments consistent with Policy 3.22; encouraging children to walk to school by providing safe routes consistent with Policy 3.23; and providing bikeways and bike storage and providing parking areas that encourage carpooling and use of low emission vehicles consistent with TASP Policies 3.28, 3.31,

3.33 and 3.34. The TASP FEIR concluded that implementation of these measures would reduce impacts from GHG emissions for the TASP to less-than-significant levels. As the proposed project would remain in compliance with these policies, the project's impact on GHG emissions would also be less than significant.

Regarding electricity consumption, the TASP FEIR found that the increase in total demand for electrical energy as a result of the TASP would be reduced to less-than-significant levels by requiring compliance with State, local, and TASP energy efficiency policies. These policies (outlined below) will ensure that the additional energy that homes and businesses consume would not impede achievement of the Statewide reduction in emissions mandated by the California Climate Solutions Act of 2006 and will ensure that the impact of increased energy consumption in the TASP area would be less than significant. Additionally, the proposed project would encourage and support energy efficiency and green building techniques that would reduce energy-related GHG emissions, similar to the previously approved TASP FEIR.

Implementation of the proposed project would not result in an increase in GHG emissions beyond those analyzed in the TASP FEIR and impacts would remain less than significant.

The TASP FEIR did not include an evaluation of the project's compliance with the City's 2013 Climate Action Plan which was not in place at the time the EIR was certified. The Climate Action Plan includes GHG reduction goals, policies, and actions for new and existing development projects. The proposed project includes transit oriented development in addition to the TASP policies listed below, which are consistent with the Climate Action Plan's transportation and land use goals. Therefore, the project would be in conformance with the City's Climate Action Plan.

The 1980 Tarob Court Project adheres to the building guidelines of the TASP, is consistent with the Milpitas CAP, and promotes reductions in GHG emissions through high-density development in close proximity to transit. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen 2013 standard building measures for residential buildings and Title 24 requirements. Additionally, while the proposed project would remove all 44 existing trees on the project site, the project would plant a total of approximately 131 new trees on the site, which would help offset GHG emissions. The proposed project would result in no new or more severe impacts related to GHG emissions than analyzed in the TASP FEIR and further analysis is not required.

## **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

## TASP Policies

- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.*
- *Policy 3.21: See this policy in Section III, Air Quality.*
- *Policy 3.22: See this policy in Section III, Air Quality.*
- *Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.*
- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the TASP].*
- *Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.*
- *Policy 3.33: See this policy in Section III, Air Quality.*
- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*
- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*
- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*
  - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*
  - *Automatic lighting systems in public buildings and offices; and*
  - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

## CONCLUSION

The TASP FEIR adequately covered the GHG emissions impacts of the 1980 Tarob Court Project and no new impacts related to GHG emissions would result.



|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b>  |                                      |   |                                    |                                     |
| Would the project:   |                                      |   |                                    |                                     |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP FEIR concluded that due to past land uses and previously reported hazardous material releases and spills in the TASP area, there are potential impacts associated with existing soil and

groundwater contamination in areas of the TASP (Impact 3.4-1). These potential impacts include the risk of upset during demolition and construction activities and could pose a health risk to humans and the environment. All projects implemented as part of the TASP are subject to existing hazardous materials regulations for the use, transport and disposal of hazardous materials. The TASP FEIR found that any impact from potential exposure during construction can be reduced to a less-than-significant level with implementation of TASP policies.

Existing structures that would be demolished in the TASP area could include hazardous building materials such as asbestos, polychlorinated biphenyls (PCBs), or lead-based paint. TASP Policy 5.21 requires applicants to submit information to the City regarding asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition. The 1980 Tarob Court Project would be required to comply with TASP Policy 5.21, reducing this impact to a less-than-significant level.

All new development within the TASP area must comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Full compliance with Title 17 and Title 8 of the California Code of Regulations is also required, which includes implementing work practice standards related to the evaluation and abatement of lead in public and residential buildings and covers construction work where an employee may be exposed to lead.

A Phase I Environmental Site Assessment (ESA) was prepared for the project site and found that the site was previously used for agricultural purposes, from the late 1930s to the 1980s, prior to its current industrial configuration.<sup>12</sup> The Phase I ESA identified a fenced former hazardous material storage area with concrete berm located along the east side of the building and noted that a portion of the current tenant space includes a clean room setup for semiconductor equipment and refurbishment. The study also identified the following:

- The potential presence of pesticides and metals in soils based on historical agricultural activities;
- The potential presence of VOCs in soil gas due to volatilization of VOCs in groundwater beneath the site;
- The potential for releases of industrial solvents and petroleum products at neighboring adjacent and upgradient off-site properties to migrate beneath the site;
- Current groundwater conditions with respect to the previously detected VOCs; and
- The potential for the releases of industrial solvents and petroleum products at neighboring adjacent and upgradient off-site properties to migrate beneath the site.

The project site was previously investigated as part of an environmental site assessment in 1989 when soil and groundwater conditions at the site were assessed.<sup>13</sup> Soils samples at the site detected the

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<sup>12</sup> West Environmental Services & Technology, 2015. *Phase I Environmental Site Assessment 1980 Tarob Court Milpitas, California*. June.

<sup>13</sup> Ibid

volatile organic compound (VOC) trichloroethene (TCE) in the soil. TCE and cis-1,2-dichloroethene (CDCE) were also identified in groundwater samples taken from the site. In 1994, the California Regional Water Quality Control Board – San Francisco Bay Region issued no further action for the groundwater conditions at the site and determined that the presence of TCE in the groundwater was from upgradient and off-site sources. Based on chemicals detected in groundwater at surrounding sites, it has been determined that groundwater conditions are attributable to a regional groundwater problem and are not specific to the project site. The California Department of Toxic Substances Control (DTSC) noted in its files the Regional Water Board's conclusions in 1997 while the United States Environmental Protection Agency (EPA) concurred with the findings and closed its file on the site in 1999.<sup>14</sup>

The Phase I ESA was conducted to identify recognized environmental conditions (RECs) at the site and to determine the extent of contaminants in the soil, soil gas and groundwater based on the sampling from ten borings. Soil sampling identified the presence of pesticides including: chlordane; 4,4-DDE; 4,4-DDD; 4,4-DDT; and dieldrin. Each of these was identified as being below their RWQCB Environmental Screening Levels (ESLs). The pesticide, endrin, was detected in soil samples at a level exceeding the RWQCB ESL. However, to evaluate the overall potential exposure to endrin in soil, a statistical analysis using the 95-percent upper confidence level of the mean concentration (95-Percent UCL) for endrin was calculated. The 95-percent UCL for endrin was calculated at a level below the RWQCBESL. Metals were also detected in the soil samples collected during the Phase I ESA. Specifically, arsenic was detected in a sample within the background concentration range for arsenic for the San Francisco Bay Area. Additionally, chromium, lead and nickel were detected in samples but at levels below their RWQCB ESLs.

Five soil gas samples were collected at the project site and identified the presence of VOCs including TCE, benzene, toluene, xylenes, chloromethane, trichlorotrifluoroethane (TCTFE), and styrene. Each of these compounds was identified at levels below their respective RWQCB ESLs for the protection of vapor intrusion.

Groundwater samples were collected at four borings from upgradient and downgradient locations at the site and revealed the presence of VOCs above the laboratory-reporting limits in one sample collected. Specifically, TCE, cDCE and trans-1,2-dichloroethene (tDCE) were detected at levels consistent with the historical distribution of VOCs in groundwater previously detected at the site. As previously stated, VOC concentrations in groundwater are attributable to a regional groundwater problem and are not specific to the project site.

The Phase I ESA found no evidence of RECs associated with the project site. Pesticides and metals were detected in on-site soils but were at levels below the RWQCB ESLs. VOCs were identified in the soil gas but at levels below the RWQCB ESLs. In addition, VOCs were encountered in the groundwater at the site, consistent with the historical distribution of VOCs in groundwater previously detected at the site. As such, results of the Phase I ESA indicated that the project site is suitable for residential development.

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<sup>14</sup> Ibid

The nearest school to the project site is Northwood Elementary School at 2760 Trimble Road, approximately 0.6 miles east of the project site. Since there are no schools within 0.25 miles of the project site, no impacts related to handling hazardous materials near a school would occur. The project site is located approximately 3.5 miles northeast of the nearest public use airport, Norman Y. Mineta San Jose International Airport (SJIA). As the project site is not located within the SJIA Airport Influence Area, no safety hazards from the airport would be anticipated. No private airstrips are located in the project vicinity.<sup>15</sup> The proposed project would not be expected to impair implementation or interfere with an adopted emergency plan. TASP Policies 6.49, 6.50, and 6.52 would ensure that adequate emergency services are available. The project site is not located in or adjacent to a wildland area and would not be subject to wildland fire risks.

The 1980 Tarob Court Project is consistent with the overall vision of transforming the area from industrial to a new, transit-oriented, mixed-use neighborhood. Since the proposed project would comply with TASP policies, including Policy 5.20, 5.21 and 5.22, there are no new impacts on hazards and hazardous materials.

## APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## APPLICABLE POLICIES

The proposed project would comply with the following policies.

### TASP Policies

- *Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination.*

*For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs<sup>2</sup>) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be*

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<sup>15</sup> Santa Clara County Airport Land Use Commission, 2011. *Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San Jose International Airport, Figure 8: Airport Influence Area*. May 25.

*implemented to mitigate the potential risk of post-development vapor intrusion into buildings.*

*For parcels with no identified contamination, a Phase I study shall be completed to review potential for groundwater, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.*

- *Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos-containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.*
- *Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.*

## CONCLUSION

The TASP FEIR adequately evaluated potential impacts related to hazards and hazardous materials at or affecting the 1980 Tarob Court Project and no new impacts would result.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:  |                                      |   |                                    |                                     |
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |



|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:  |                                      |   |                                    |                                     |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP FEIR determined that implementation of the TASP would have minimal impacts on the hydrology and water quality of the TASP area. Potential impacts to groundwater and to streams and rivers are not likely to occur, and the TASP area is expected to maintain the same drainage pattern upon build-out, utilizing existing street gutters and storm drains. Furthermore, the TASP area is also not subject to inundation by seiche, tsunami or mudflow. Potential impacts would be related to stormwater and flooding (Impacts 3.10-3) and water quality (Impacts 3.10-1 and 3.10-2). The TASP FEIR concluded compliance with specific municipal policies, General Plan and TASP policies would reduce the impacts related to stormwater quality, runoff, and flooding to less-than-significant levels.

During the construction period, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in runoff. This condition could cause erosion and increase sedimentation in storm drains or waterways within the area. In addition, there is the potential for release of chemicals such as fuels, oils, paints and solvents from construction sites. The chemicals could be transported to nearby surface waterways, groundwater in stormwater runoff, wash water and dust control water. General Plan Policies 4.d-G-1 and 4.d-I-1 and TASP Policies 5-36 and 5-37 would help reduce construction related water quality impacts to less-than-significant levels.

In addition, construction projects are required to prepare a Stormwater Control Plan, which requires implementing Best Management Practices (BMPs) to control stormwater peak flows and pollutant levels. This requirement is stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES). All projects within the TASP area must comply with NPDES requirements, including the proposed project. The applicant submitted a Stormwater Management Plan as part of the project application materials.<sup>16</sup> The City will confirm that this plan conforms to all applicable local and State requirements.

<sup>16</sup> Wood Rodgers, Inc., 2016. *Stormwater Management Plan, 1980 Tarob Court, City of Milpitas, Santa Clara County, CA*. March 1.

The proposed increase in population and traffic associated with the project could increase discharge of pollutants in stormwater runoff beyond current levels after partial or full build-out of the TASP. However, full compliance with the Santa Clara County NPDES permit guidelines for stormwater discharge, General Plan Policy 4.d-G-1 and TASP Policies 5-36 and 5-37 would ensure the impacts would be less than significant.

The TASP area is within a Federal Emergency Management Agency (FEMA)-designated floodplain. As such, the City has conducted area-wide storm drainage planning that includes Master Grading and Storm Drainage Plans for each subdistrict of the TASP area. The proposed project must comply with the requirements of the Master Grading and Storm Drainage Plans for the Trade Zone/Montague subdistrict. Additional impacts related to the floodplain could occur, however, several local and TASP policies identified in the TASP FEIR would reduce the impact to less-than-significant levels.

Since the 1980 Tarob Court Project is located in a FEMA special flood area, a flood study and subsequent addendum were prepared for the project site.<sup>17, 18</sup> The Flood Study found that the project would result in an increase in the 100-year water surface elevations around the project site and on Tarob Court in the parking lot and interior streets. The study also found that the largest offsite impacts would be 1.23 feet, resulting in a cumulative impact to neighboring properties. A subsequent study was conducted and determined that moving Building 21 approximately 5 feet to the north (refer to Figure 4 in Attachment A) would result in a cumulative impact of 1 foot or less to neighboring properties. Therefore, with this minor modification to the building configurations, the proposed project would comply with the City of Milpitas Floodplain Ordinance section XI-15-4.3(a)(4).

The project must also comply with the following requirements from FEMA and the City of Milpitas:

- The City of Milpitas floodplain ordinance section X1-15-5.1(c)(1)(i) requires that the lowest residential floor must be elevated above the highest adjacent grade to a height exceeding the depth of number specified in feet on the FIRM by at least 1 foot, or elevated at least 3 feet above the highest adjacent grade if no depth is specified.
- FEMA requires the lowest adjacent grade to a structure be higher than the base flood elevation to remove the building from the flood hazard area. A CLOMR-F and LOMR-F should be filed with FEMA during planning and after construction respectively to remove the proposed buildings from the floodplain.

The Floodplain Study and Addendum concluded that based on the revised site plan and grading plan, the project elevations are in compliance with the above requirements. The 1980 Tarob Court Project conforms to the TASP FEIR, and, therefore, there is no new impact on hydrology and water quality.

## APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was

<sup>17</sup> Schaaf & Wheeler Consulting Civil Engineers, 2016. *1980 Tarob Court Flood Study*. March 8.

<sup>18</sup> Schaaf & Wheeler Consulting Civil Engineers, 2016. *Addendum: 1980 Tarob Court Flood Study*. May 6.

certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## APPLICABLE POLICIES

The proposed project would comply with the following policies.

### City of Milpitas Municipal Policies

- Standards of Construction (Section XI-15-5.1) – specify requirements for anchoring, construction materials and methods, and elevation and flood-proofing
- Standards for Utilities (Section XI-15-5.2) – specify requirements for new and replacement water supply and sanitary sewage systems, and on-site waste disposal systems
- Standards for Subdivisions (Section XI-15-5.3)
- Floodways (Section XI-15-5.6) – specify requirements and constraints for encroachments, and other flood hazard reduction provisions

### General Plan Policies

- *Policy 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area.*
- *Policy 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.*

### TASP Policies

- *Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge.*
- *Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.*
- *Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.*
- *Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk. The design and development standards in Chapter 5 [of the proposed Plan] must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be*

*more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.*

- *Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.*
- *Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.*
- *Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.*
- *Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.*

## CONCLUSION

The TASP FEIR adequately evaluated the hydrology and water quality impacts of the 1980 Tarob Court Project and no new impacts would result.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>X. LAND USE AND PLANNING.</b> Would the project:   |                                      |   |                                    |                                     |
| a) Physically divide an established community?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP FEIR concluded that while implementation of the TASP would significantly change the land use designations and pattern of development for the area, impacts related to land use would be minimal. Implementation of the TASP does not result in the division of an established community

because the area was primarily developed with industrial uses prior to the development of the TASP. In addition, there is no habitat conservation or natural community conservation plans within the TASP area.

Existing land use designations in the TASP would change from industrial to residential, mixed-use, and parks/community facilities over a period of 20 years. The changes that occur as a result of the TASP are seen as positive and will include the development of street and trail connections and pedestrian bridges across major arterials to connect residents and employees with jobs, services, parks and transit. New zoning districts associated with the TASP include: MXD2, MXD3, and R5 and edits the “- TOD” Combining District to include MXD2-TOD, MXD3-TOD, R3-TOD, R5-TOD, and MPTOD and revises C2-TOD. These amendments ensure that potential impacts related to inconsistency and altered land use designations are less than significant.

Under the TASP, the proposed project site is designated as High Density Transit Oriented Residential. The High Density Transit Oriented Residential designation permits residential and related uses only, commercial uses are not permitted under this designation. Permitted densities for residential uses range from a minimum of 21 units per acre average gross density to 40 units per acre maximum average gross density. In addition, the maximum permitted building height is 75 feet under this designation. The 1980 Tarob Court Project complies with the standards of the High Density Transit Oriented Residential land use designation and would develop in the lower range of the density and intensity standards from what was assumed in the TASP FEIR.

The TASP FEIR also found that proposed uses would be more compatible with the adjacent residential and commercial uses than existing uses. However, over the planning horizon, the City expects there would be temporary incompatible land uses in the area until the build-out of the TASP is complete. Policies are included in the TASP to address temporary neighboring incompatible land uses. The TASP includes streets, landscaped areas, parks and linear parks that create buffers between the different types of land uses. Conformance with TASP policies (outlined below) would ensure that temporary conflicts between land uses would be less than significant.

The TASP area is intended to be a cohesive neighborhood identified by a similar look and feel in its public spaces and a consistent orientation toward walking and transit usage. However, the area is currently bisected by regional arterial roadways and rail lines that create discrete areas with varying development environments. As a planning and development strategy, the TASP created subdistricts to capitalize on and accommodate these identified areas. Each subdistrict has a carefully chosen plan of land uses, local street grid, and open space assigned to it to generate a character that takes into account existing and future physical conditions as well as expected market demand. Each subdistrict has individual development criteria for setbacks and building location and placement, which would reduce the impact of interactions between adjacent potentially incompatible uses.

The proposed project is within the Trade Zone/Montague Subdistrict. The Trade Zone/Montague Subdistrict is located east of Montague Expressway and south of Capitol Avenue, extending to the City limits on Trade Zone Boulevard and Lundy Street. The goal of this subdistrict is to create an attractive residential district, with ample green space in the form of a sports field and a creekside park, and easy access to local transit opportunities including the future Milpitas BART Station. The proposed project would conform to the development standards of the subdistrict.

Since the land use impacts of the 1980 Tarob Court Project are consistent with the impacts identified in the TASP FEIR, and because the project would comply with the building standards of the TASP, there is no new impact on land use.

## **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

### **TASP Policies**

- *Policy 3.8: Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*

### **Trade Zone/Montague Corridor Subdistrict Policies**

- *Policy 4.45 (TR-M): Do not locate curb cuts for driveway or garage access on Capitol Avenue.*
- *Policy 4.46 (TR-M): Create a deep landscape setback along Capitol Avenue to separate residences from noise and heavy traffic on Capitol Avenue. See Figure 5-11, Chapter 5 of the Specific Plan.*
- *Policy 4.47 (TR-M): Create a street connection between Sango Court and the new residential area to the south and east when the Sango Court area redevelops for residential use.*
- *Policy 4.48 (TR-M): Provide street connections from residential and mixed use development on Montague Expressway to the park and residential neighborhoods within this subdistrict.*
- *Policy 4.49 (TR-M): Create street connections, bike connections, and pedestrian connections across the creek channel.*
- *Policy 4.50 (TR-M): Prevent cut-through traffic avoiding the Montague/Capitol intersection.*
- *Policy 4.52 (TR-M): Access to private parking should be from local streets that do not abut a park.*
- *Policy 4.53 (TR-M): Provide 30 foot landscape setbacks with a double row of trees between the BART track and residential buildings.*
- *Policy 4.54 (TR-M): Provide very high-density residential near BART and light rail stations, served by a linear park along the drainage-way. Provide high-density residential development at the interior of the subdistricts, serviced by neighborhood parks with sports fields.*



## CONCLUSION

The TASP FEIR adequately evaluated the land use impacts of the 1980 Tarob Court Project and no new impacts would result.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>XI. MINERAL RESOURCES.</b> Would the project:  |                                      |   |                                    |                                     |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?                                | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The City of Milpitas General Plan does not identify mineral resources within the TASP area. Therefore, the 1980 Tarob Court Project would have no impact on mineral resources.

## CONCLUSION

The TASP FEIR adequately evaluated the mineral resource impacts of the 1980 Tarob Court Project and no new impacts would result.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>XII. NOISE.</b> Would the project result in:   |                                      |   |                                    |                                     |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

### Construction-Period Impacts

The proposed project would be consistent with the buildout projected for the TASP, and would implement the policies identified in the TASP FEIR to reduce potential noise impacts to less-than-significant levels. Construction of the project would adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan. The project would implement the measures identified in the TASP for addressing noise, including providing disclosures to future residents per Policy 5.17, and requiring temporary buffers if residents are placed next to existing industrial uses per Policy 5.19.

As described in the TASP FEIR, construction noise impacts would vary depending on proximity to sensitive receptors, the presence of intervening barriers, and the number, types, and duration of construction equipment used. Compliance with the General Plan and TASP policies would ensure that construction noise impacts would be less than significant.

The City's Noise Abatement Ordinance would restrict construction hours to between 7:00 a.m. and 7:00 p.m. The City's General Plan Policy 6-I-13 would minimize construction noise impacts by restricting the hours of operation, technique, and equipment used. Additionally, TASP Policy 5.15 requires that construction noise be mitigated to the extent feasible to reduce exposure of sensitive receptors.

The proposed project would not result in any new or more significant construction-period noise impacts than were described in the TASP FEIR. Implementation of the Noise Ordinance, the City of Milpitas General Plan, and the TASP, as included in the TASP FEIR, would reduce construction noise impacts to a less-than-significant level.

### **Groundborne Vibration Impacts**

Construction activities are known sources of groundborne vibration. Vibration impacts could occur during construction of the proposed project, which would require the use of heavy excavation equipment, and the possible use of pile-driving equipment. To determine potential construction vibration impacts, an impact evaluation is described below.

When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. Vibration levels, different from noise levels, are written as vibration velocity decibels (VdB). However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). Therefore, for purposes of this analysis, project-related impacts are expressed in terms of PPV.

Typical groundborne vibration levels measured at a distance of 25 feet from heavy construction equipment in full operation, such as vibratory rollers, range up to approximately 0.210 PPV. Based on the Federal Transit Administration (FTA) data, large bulldozers generate 0.089 PPV at 25 feet and small bulldozers generate 0.003 PPV at 25 feet. Loaded trucks generate 0.076 PPV at 25 feet, an impact pile driver generates 0.644 PPV at 25 feet, and a sonic pile driver generates 0.170 PPV at 25 feet. Except for the impact driver, these vibration levels would not be expected to cause damage to residential buildings of typical northern California construction.

As stated in the TASP FEIR, the proposed project would develop residential uses and therefore could expose sensitive receptors to unacceptable levels of groundborne vibration, specifically from operation of the VTA light rail line and BART trains along the proposed BART expansion into the TASP Area. The nearest proposed residential uses would be approximately 450 feet from the future BART/VTA light rail line.

The Santa Clara Valley Transit Authority's BART Expansion SEIR indicated that vibration impacts at existing receptors in the Planning Area and within 100 feet of the proposed tracks would be mitigated to a less-than-significant level (less than the 72 VdB significance threshold for frequent events affecting Category 2 land uses) by either using a floating slab track or by using tire derived aggregate under ballasted track.<sup>19</sup> As this mitigation would reduce vibration at the source, future residential uses proposed along the BART alignment would also experience less than significant vibration impacts. The project site is over 300 feet from the BART line; therefore, TASP policies that require compliance with FTA interior noise standards to do not apply to the proposed project.

Therefore, the proposed project would not result in any new or more significant groundborne vibration impacts than were described in the TASP FEIR. In addition, implementation of TASP

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<sup>19</sup> Transportation Authority, Santa Clara Valley, 2010. *BART Silicon Valley Environmental Impact Report*. November.

policies would reduce potential groundborne vibration impacts on future or existing sensitive receptors to less-than-significant levels.

### **Operational-Period Impacts**

The project would result in an increase in people living close to transit stations which could expose sensitive receptors to higher noise levels from train and future BART activity. However, this condition would not result in any impacts that would be more severe than those analyzed in the TASP FEIR. The proposed project would be required to install mechanical ventilation under General Plan Policy 6-I-5 so that windows can remain closed, which would ensure the project would comply with interior noise standards.

### **Stationary Noise Source Impacts**

The proposed long-term use of the project site is residential near transit oriented development. Potential long-term stationary source impacts at the project site would be primarily associated with transportation activities and operations associated with delivery truck activities. However, the proposed project would not increase stationary source noise impacts above those analyzed in the TASP FEIR.

### **Aircraft Noise Source Impacts**

According to the City's current and projected noise contours for San José International Airport, the project site is not within an area exposed to aircraft noise levels greater than 60 dB CNEL. Therefore, per TASP FEIR analysis, aircraft noise would have no impact on the project site.

### **Traffic Noise Impacts**

Although the proposed project would result in an increase in traffic noise levels over existing conditions on the street network in its vicinity, it would not result in any additional or more severe noise impacts than were addressed in the TASP FEIR. The project would generate 322 average daily trips which would not increase the surrounding traffic noise by a perceptible level.

### **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

#### **General Plan Policies**

- *Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.*

- *Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.*
- *Policy 6-I-2: Require an acoustical analysis for projects located within a conditionally acceptable or normally unacceptable exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.*
- *Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered clearly unacceptable for the use proposed.*
- *Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the normally acceptable levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.*
- *Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.*
- *Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.*
- *Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.*
- *Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.*

#### **TASP Policies**

- *Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.*
- *Policy 5.11: Construct masonry walls to buffer residential uses from BART and UPRR train tracks. These walls will be constructed by residential developers. They may be located within the landscaped buffer along the tracks*
- *Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.*
- *Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measure to reduce vibration to acceptable levels.*
- *Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance. Mitigation may include a combination of techniques that reduce noise generated at the source, increase the noise*

*insulation of the receptor or increase the noise attenuation rate as noise travels from the source to the receptor.*

- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*
- *Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.*
- *Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation—when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.*

## CONCLUSION

The TASP EIR adequately covered the noise impacts of the 1980 Tarob Court Project no new impacts related to noise would result.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>XIII. POPULATION AND HOUSING.</b> Would the project:   |                                      |   |                                    |                                     |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |



## DISCUSSION

Implementation of the TASP would transform a predominantly industrial area by adding high density residential developments near transit to maximize transit ridership and to create a vibrant residential community that is in close proximity to jobs, parks and retail uses.

The TASP FEIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the TASP area. The TASP FEIR assumes that the population growth is concentrated in this area and that the TASP would increase the City's housing stock by 39 percent and its population by 28 percent based on 2006 estimates from the California Department of Finance.<sup>20</sup>

The TASP FEIR concluded that the population and growth impacts associated with the TASP are adequately addressed by the City's Housing Element. Table 1 below includes the housing and population assumptions evaluated within the TASP FEIR and also shows existing and proposed housing development within the TASP area. As the population and housing units proposed by the project would fall within the total development anticipated by the TASP FEIR, the project would result in no new impacts associated with population and housing.

**Table 1: Existing and Proposed Housing Units and Population with the Specific Plan Area**

|               | <b>Evaluated Within<br/>The TASP FEIR</b> | <b>Approved</b>     | <b>Proposed<br/>Project</b> | <b>Remaining<br/>Development<br/>Available</b> |
|---------------|---|---------------------|-----------------------------|--|
| Housing Units | 7,109 <sup>a</sup>                        | 5,853               | 61                          | 1,195  |
| Population    | 17,915 <sup>a</sup>                       | 14,750 <sup>b</sup> | 154 <sup>b</sup>            | 3,011  |

<sup>a</sup> Milpitas, City of, 2008. *Final Transit Area Specific Plan EIR*.

<sup>b</sup> Estimated population associated with approved units, under construction units, and the proposed project was determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents / 7,109 units = 2.52 residents per unit).

Source: Sarah Fleming, 2016. Senior Planner, City of Milpitas. April 26.

## APPLICABLE MITIGATIONS

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

<sup>20</sup> Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008.

## CONCLUSION

The TASP FEIR adequately evaluated the population and housing impacts of the 1980 Tarob Court Project and no new impacts would result.

## XIV. PUBLIC SERVICES.

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

|                             | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|-----------------------------|--------------------------------------|---|------------------------------------|-------------------------------------|
| i. Fire protection?         | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| ii. Police protection?      | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| iii. Schools?               | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| iv. Parks?                  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| v. Other public facilities? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

The TASP area contains portions of three school districts: the Milpitas Unified School District (MUSD), Berryessa Union School District (BUSD), and East Side Union School District (EUSD). The TASP FEIR evaluated the impact that the TASP's anticipated 18,000 residents, and associated increase in expected student population, would have on the three school districts. The TASP FEIR concluded that build-out of the TASP will require at least one new elementary school within MUSD and the expansion of existing facilities. The TASP FEIR identified a significant and unavoidable impact related to an increased demand for school facilities (Impact 3.9-1).

The project site falls within the Berryessa Union School District and the East Side Union High School District attendance boundaries. Projected student enrollment rates associated with build-out of the TASP are as follows: 233 students for EUSD and 330 students for BUSD.<sup>21</sup>

<sup>21</sup> Dyett and Bhatia, 2008. *Milpitas Transit Area Specific Plan*, p. 3.9-8. May.

Due to the project's location, school-aged children would be expected to attend Northwood Elementary and Morrill Middle School in the Berryessa Union School District.<sup>22</sup> Northwood Elementary has a current student enrollment of 471 and a capacity of 648.<sup>23</sup> The TASP identifies the elementary school generation rate for the district as 0.046 students per unit.<sup>24</sup> As such, the proposed project would generate 2.8 new students that would attend Northwood Elementary. Morrill Middle School has a current enrollment of 709 students and a capacity of 1,024 students. The TASP identifies the middle school generation rate to be 0.016 students per unit. Based on this rate, the proposed project would generate 1 new student that would attend Morrill Middle School. The number of elementary and middle-school students generated by the proposed project would be within the capacity range for these two schools.

High-school aged students would be expected to attend Independence High School in the East Side Union High School District. Independence High School has a current enrollment of 2,968 students and a capacity to serve a total of 3,943 high school students.<sup>25</sup> The student generation rate for Independence High School is 0.078 students per multi-family housing unit. Since the proposed project would develop 61 residential units, the expected number of high school aged students generated from the proposed project would be 4.8, which is within the existing capacity of Independence High School.

Policies in the General Plan and TASP would reduce the impact to school services and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and consider joint use agreements for potential shared facilities; as well as applicant payment of school impact fees pursuant to State Government Code 65995 to 65998, which is a means of offsetting development's school impacts. As indicated above, residential growth associated with implementation of the proposed project would fall within the growth parameters evaluated within the TASP FEIR and the proposed project's impacts on schools have been adequately analyzed in the TASP FEIR; as such, the project would not result in a new impact to school facilities.

The TASP FEIR concluded that the Milpitas Fire Department would need to expand an existing fire station and/or construct a new station, in addition to providing additional staff and equipment, to adequately serve the development associated with implementation of the TASP (Impact 3.9-2). The TASP FEIR noted that under the National Fire Protection Association (NFPA) standard of one firefighter per 1,000 residents, 18 new firefighters would be needed to serve buildout of the TASP. Policies contained in the Milpitas General Plan and the TASP would help to ensure that even with new development anticipated in the TASP, Milpitas Fire Department response times remain consistent with National Fire Protection Association Standard 1710. Given this, impacts to the provision of fire services are anticipated to be less than significant. As the population and housing

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<sup>22</sup> Berryessa Union School District, 2016. Berryessa Union Elementary SchoolFinder. Website: [www.schfinder.com/berryessaunionsd](http://www.schfinder.com/berryessaunionsd) (accessed April 7, 2016).

<sup>23</sup> Gower, Ely, 2016. Account Technician II, Berryessa Union School District. Personal Communication with LSA Associates, Inc. April 5.

<sup>24</sup> Dyett and Bhatia, 2008. *Milpitas Transit Area Specific Plan*, p. 3.9-8. May.

<sup>25</sup> Battle, Marcus, 2016. Associate Superintendent, East Side Union High School District. Written communication with LSA Associates, Inc. March 31.

units proposed by the project would fall within the total development anticipated by the TASP FEIR, the project would result in no new impacts associated with fire services.

As noted in the TASP FEIR, implementation of the TASP would increase the long-term demand for police assistance and new staff and equipment would be required (Impact 3.9-3); however, a new police station would not be warranted. An addition of 26.3 police officers would be needed to service the TASP's increase in population. Policy 6.45 of the TASP would ensure that there are adequate police services in place to serve the TASP area, including the proposed project. As such, the TASP FEIR concluded that the impacts to police services would be less than significant. The 1980 Tarob Court Project also adheres to policies in the Specific and General Plan, and because the population and housing units proposed by the project would fall within the total development anticipated by the TASP FEIR, the project would not result in new impacts associated with fire services.

The TASP FEIR concluded that the combination of Parks/Plazas and Linear Parks meets the expected park requirements for the TASP Area given the anticipated population associated with implementation of the TASP. All land shown in the TASP as parks or landscape buffers with trails must be dedicated as public parks to meet the requirements (or an equivalent amount of land if park locations are adjusted). The TASP FEIR concludes that the impacts to parks would be less than significant because of various policies regarding open space requirements, park land dedication and in-lieu fees for new development. The TASP also provides numerous policies related to parks which are incorporated into the Parks and Recreation section (Section XV, Recreation) of this checklist. The 1980 Tarob Court Project includes landscape buffers along Tarob Court that would meet the requirements for public open space in the TASP and would also provide public open space on the northern portion of the site, adjacent to Penitencia Creek.

The TASP FEIR adequately evaluates public service impacts and the proposed project's impacts are adequately included in and analyzed by the TASP FEIR. Therefore, the 1980 Tarob Court Project has no new impact on public services.

## **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

### **General Plan Policies**

- *Policy 2.c-I-1: Continue working with Milpitas Unified School District (MUSD), Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.*
- *Policy 2.c-I-3: Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fees when necessary*

*to comply with statutory changes. Following this policy will permit the MUSD to update school fees for developers to cover the cost of constructing a new school and expanding Milpitas High School.*

- *Policy 5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.*

#### **TASP Policies**

- *Policy 5.3: All streets (public & private) shall be consistent with the street sections in Chapter 5 [of the proposed Plan] and shall meet any additional Milpitas Fire Department fire apparatus design requirements for access and firefighting operations.*
- *Policy 6.43: The City will ensure that all school impact fees are paid from individual projects prior to the issuance of any building permits.*
- *Policy 6.44: The City and the school districts located in the Transit Area should consider entering into a joint use agreement, allowing public use of a new school's playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the Transit Area's public parks requirement. The school building should include facilities that can be accessed and used for community events.*
- *Policy 6.46: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.*
- *Policy 6.50: The Fire Department shall conduct a "standards of cover" analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional Fire Department staff will be hired, equipment purchased, and facilities built to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund. These facilities are not expected to be sited within the Transit Area.*
- *Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts. The new station should be chosen to minimize noise and traffic impacts on existing land uses.*
- *Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account.*

## CONCLUSION

The TASP FEIR adequately evaluated the public service impacts of the 1980 Tarob Court Project and no new impacts would result.

## XV. RECREATION

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

Public parks identified in the TASP have three main forms: Parks/Plazas, Linear Parks, and Landscape Buffers. The TASP FEIR concluded that the combination of Parks/Plazas and Linear Parks would meet the expected park requirements for the TASP area given the anticipated population at full implementation of the TASP. All land shown in the Plan as parks or landscape buffers with trails must be dedicated as public parks to meet the requirements (or an equivalent amount of land if the park locations are adjusted), and recreation impacts would be considered less than significant.

The TASP provides a guide for future trails and parks within the TASP area,<sup>26</sup> including the creation of a network of trails and trail loops, especially along Penitencia Creek. The TASP includes several policies related to project sites that are adjacent to the proposed network of trails and Penitencia Creek. The proposed project is located along Penitencia Creek and includes 0.12 acres of public open space along the creek in the form of a 10-foot wide concrete trail within a 25-foot-wide dedicated easement which is consistent with the requirements of the TASP (refer to Figure 1, which corresponds to TASP Figure 3-6, Public Parks, Spaces, and Trails).

The proposed project would also include a total of 0.21 acres of common recreational space located primarily within an internal courtyard as well as within internal landscaped pathways to be utilized by residents. An additional 0.37 acres of private open space and landscaping would be incorporated

<sup>26</sup> Dyett & Bhatia, 2008. *Milpitas Transit Specific Plan*. Figure 3.6. June.



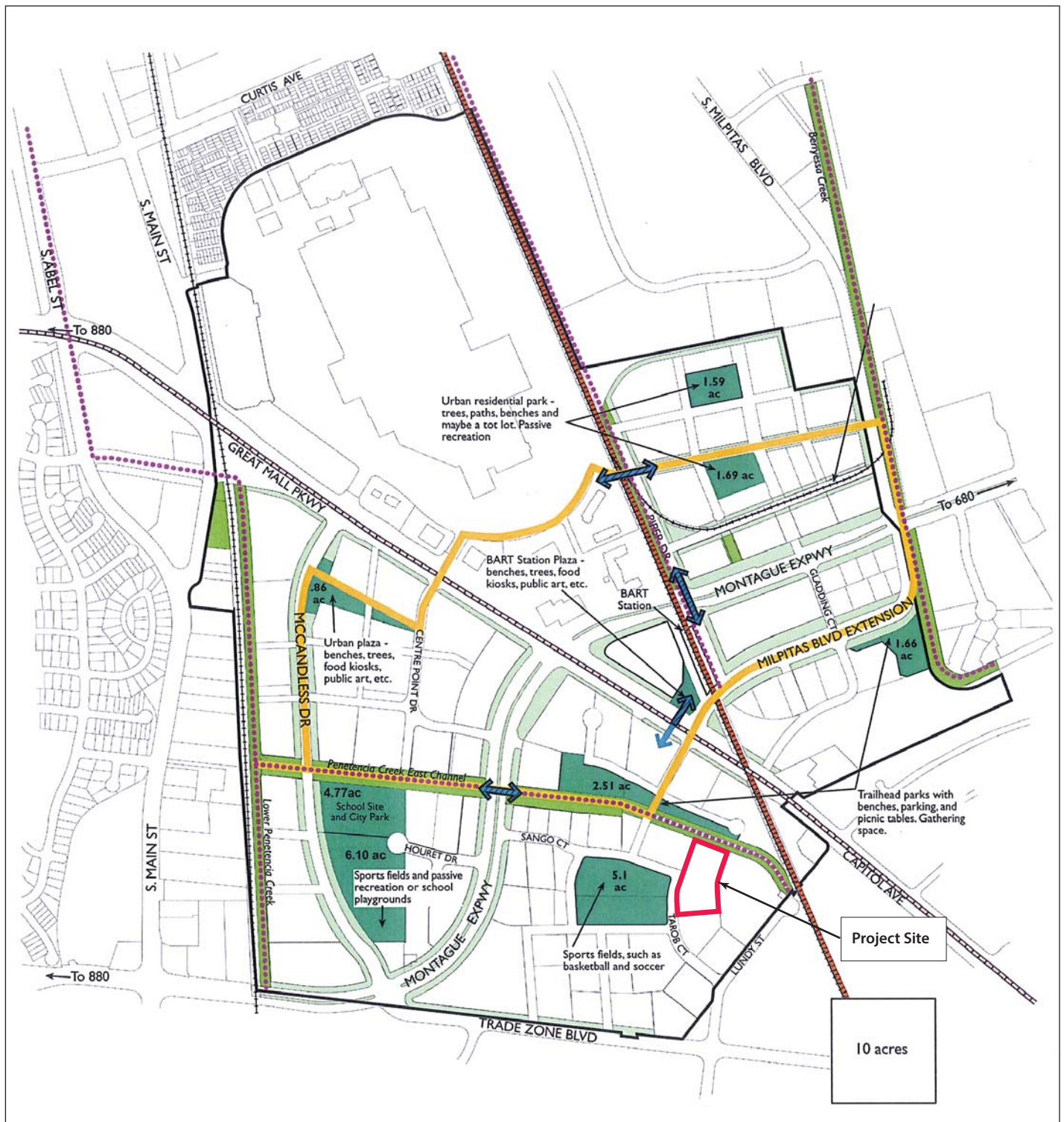
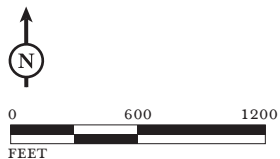


FIGURE 1

LSA



SOURCE: CITY OF MILPITAS, MAY 2016.

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1980 Tarob Court Project  
TASP Public Parks, Spaces, and Trails Map

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throughout the site, including the front yards of most units. The proposed project would conform to the open space and landscape buffer requirements outlined in the TASP.

The TASP FEIR adequately evaluated the environmental impacts associated with implementation of the TASP, including parks and recreation impacts. Development of the proposed project would fall within the development assumptions evaluated within the TASP FEIR. Therefore, the proposed project has no new impact on parks and recreation.

### **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

#### **TASP Policies**

- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.24) shall apply to the entire area of the Transit Area Specific Plan. Parks are required at a ratio of 3.5 acres per 1,000 people, with at least 2.0 of those acres publicly accessible. Land dedicated for public parks or trails shall fulfill the park land requirements. In addition, 20 percent of a landscape buffer area along a street or public right of way may count towards the public park requirements, when it includes trails or wide sidewalks connected to an overall pedestrian/bike circulation network.*
- *Policy 3.39: Develop between 32 and 47 acres of public park space in the Transit Area, with a goal of around 36 acres. This target is based on the Midtown Milpitas Specific Plan's parks standard of 2.0 acres of public park land per 1,000 residents, applied against the minimum and maximum population expected in the Transit Area. The 36 acre goal, which includes parks, plazas and linear parks, is generated from the Transit Area's expected final population.*
- *Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the Specific Plan]. Minor adjustments to the location of parks may be necessary to facilitate a better site plan, respond to site specific constraints, or to accommodate phasing of a project. Smaller parks may be combined to form a larger neighborhood park within the same subdistrict as long as there is no reduction in park area. Complete elimination or relocation of a park outside of a subdistrict requires an amendment to the Specific Plan. If a school is located on a site designated as a park, it may be counted as a park if a joint use agreement is established to allow public use of open space and buildings for recreation purposes after school hours and on weekends. If no such joint use agreement is established, an alternative park site shall be designated.*
- *Policy 3.41: Park land dedication and in-lieu fees required of new development. Park land shall be dedicated as part of the approval of any new development, if a park site is*

*designated on the property as shown in Figure 3-6 [of the Specific Plan]. Land dedication is required for Parks/Plazas/Community Facilities and Linear Parks and Trails in the locations and amounts shown on Figure 3-6 [of the Specific Plan].*

*Dedication of the land shown on Figure 3-6 cannot be substituted by in-lieu fees. If a development's parkland obligation as determined by City ordinances is not satisfied by the require land dedication, it must pay an in-lieu fee which shall be spent to acquire and develop other parks within the Transit Area. If a development provides more than its fair share of park land, it will be compensated by the City at fair market value, using in-lieu fees paid by new development and other available sources.*

- *Policy 3.42: If a public utility easement (such as the one existing between Capitol Avenue and Penitencia Creek East Channel) is developed as a publicly-accessible pathway or linear park that connects two public streets, it can be counted toward a development's park dedication requirement.*
- *Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half-streets if bordering an adjacent development site). In addition to dedicating or contributing toward the land for new public parks, projects under this Specific Plan must also pay for the improvement of the parks with appropriate landscaping and recreation facilities. Covering this cost can be handled by paying a fee to the City or by direct development of parkland, or both. The cost and/or actions expected of projects will be determined by the City.*
- *Policy 3.44: The design and programming of new parks must be approved by the City's Parks and Recreation Department.*
- *Policy 3.45: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis.*
- *Policy 3.48: The park along the Penitencia Creek East Channel shall provide a pedestrian path along the creek; BBQ's; a tot lot; open space areas for frisbee and similar informal recreation, and other passive recreation facilities.*
- *Policy 3.50: The park in the center of the Trade Zone/Montague subdistrict shall provide sports fields for soccer, baseball, basketball, and/or other sports that have a high demand in Milpitas. There shall be ample perimeter landscaping to create an attractive setting for the surrounding housing; and a tot lot shall be included. A community center could also be included. Sports fields should serve both children and adult sports leagues.*
- *Policy 3.51: Parks will have public streets abutting at least three sides. Parks shall be surrounded by streets on three sides in order to: provide parking for the park on the street; enhance security of the park by having residents overlook the park and police vehicles able to drive by; and provide noise and visual separation for residents and offices from the activities in the park. If approved by the City, a park can also have public streets on two sides and a public right-of-way, such as a trail, or a railroad right-of-way along the third side.*
- *Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways. These bike/pedestrian trails will connect into the citywide trail network, pedestrian overcrossings of expressways, and the Transit Area's continuous network of bike lanes.*

*They will be located on both sides of Lower Penitencia Creek and on the east side of the Union Pacific railroad tracks that run between Main Street and McCandless Drive.*

- *Policy 3.55: Complete a Trail Loop connecting the whole Transit Area. The trail loop goes from McCandless Drive and Lower Penitencia Creek; along Penitencia Creek East Channel, across Montague Expressway, west along the creek channel, then northeast across Capitol Avenue, then across Montague Expressway, along Piper Drive, and across the Great Mall back to Centre Pointe and McCandless. It is shown on Figure 3-6 [of the Specific Plan].*

*The Trail Loop provides a clear and easy way for people to access the BART and LRT station, move between different subareas of the Transit Area, and offers a roughly 1.5 to 2 mile jogging and walking and biking path for recreational use.*

- *Policy 3.57: All properties along the trail network will need to set aside land for the trails. This land will count towards the required public park land dedication requirement. Refer to Figure 3-7 [of the Specific Plan] for required dimensions. If trail easements already exist or are acquired within the rail line or flood control right of way, these easements may be used in lieu of land on development sites.*
- *Policy 6.41: Construct a continuous trail network as delineated in the Transit Area Plan through land dedication and improvements by property owners in coordination with the Santa Clara Valley Water District and the City of Milpitas*

## CONCLUSION

The TASP FEIR adequately evaluated the recreation impacts of the 1980 Tarob Court Project and no new impacts would result.

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>XVI. TRANSPORTATION/TRAFFIC.</b> Would the project:   |                                      |   |                                    |                                     |
| a) Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                 | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION

This section compares traffic impacts from the proposed project with impacts identified in the TASP FEIR.

### Trip Generation

Trip generation rates from the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th Edition, were used to estimate the daily and peak-hour trip generation from the proposed 1980 Tarob Court Project. Table 2 summarizes the trip generation for the proposed project.

**Table 2: Trip Generation**

| Land Use                       | Size | ITE Code <sup>a</sup> | Daily Trips | AM Peak Hour |          |           | PM Peak Hour |           |           |
|--------------------------------|------|-----------------------|-------------|--------------|----------|-----------|--------------|-----------|-----------|
|                                |      |                       |             | Total        | In       | Out       | Total        | In        | Out       |
| Townhomes                      | 61   | 230                   | 354         | 27           | 5        | 22        | 32           | 21        | 11        |
| Transit Reduction <sup>b</sup> |      |                       | 32          | -2           | 0        | -2        | -3           | -2        | -1        |
| <b>Net Trips</b>               |      |                       | <b>322</b>  | <b>25</b>    | <b>5</b> | <b>20</b> | <b>29</b>    | <b>19</b> | <b>10</b> |

<sup>a</sup> Rates per ITE *Trip Generation Manual, 9th Edition*

<sup>b</sup> Transit Reduction of 9 percent per VTA CMP guidelines due to proximity to transit (within a 2,000 foot walk to a major transit station)

Source: LSA Associates Inc., April 2016.

As shown in Table 2, the 1980 Tarob Court Project is expected to generate approximately 322 net daily new vehicle trips, with 25 trips occurring during the AM peak hour and approximately 29 trips occurring during the PM peak hour. As indicated in the table above, since the project site is located approximately 450 feet west of the future BART/VTA light rail line, a transit reduction of 9 percent was applied to the trip generation estimates due to proximity to transit.

### Intersection Level of Service Impacts

Based on the estimated project trip generation, the proposed project would not cause any significant traffic impacts to the surrounding area. The 1980 Tarob Court Project conforms to the development parameters anticipated in the TASP and evaluated in the TASP FEIR, and there are no new impacts related to intersection level of service associated with the proposed project.



## **Site Circulation and Access**

As discussed in Attachment A, Project Description, the two existing driveways into the site from the cul-de-sac bulb would be removed and one new replacement curb cut would be provided as part of site development. The existing shared driveway curb cut at the south end of the site would be retained. An approximately 9,308-square-foot portion of the Tarob Court cul-de-sac bulb would also be abandoned by the City of Milpitas to accommodate the new project site entrance and project buildings. As part of future development in the area (and not part of the proposed project), Tarob Court would be extended to the north and west (future Sango Court-Tarob Court Extension) to connect to the future Milpitas Boulevard Extension, which would provide through access to the properties to the north and ultimately to East Capitol Avenue. Until these roadway connections are constructed, temporary circulation for public access on Tarob Court would result in circulation through the interior of the project site (via Entry A and through B Circle around Building A) to provide a turnaround for vehicles.

New interior streets would serve on-site circulation and would provide internal connections to each of the proposed buildings and into and out of the site from Tarob Court. Ingress and egress to the site would accommodate fire and emergency access vehicles as well as solid waste collectors. As previously discussed, parking would primarily be provided through individual parking garages oriented towards internal streets; a total of 15 on-street guest parking spaces would also be provided along the internal road network.

## **Pedestrian, Bicycle, and Transit Facilities**

As indicated in the TASP FEIR, the current sidewalk network within the TASP area is deficient and would not meet future demand generated by new and higher density land uses. The TASP includes: 1) sidewalks on both sides of all existing and proposed streets in its area, 2) pedestrian links between various uses such as connections to open space, and 3) a multi-use path along Penitencia Creek.

The TASP also included two pedestrian bridges; one would be adjacent to the project site over Montague Expressway at Penitencia Creek. The TASP would also separate sidewalks on high speed streets from traffic by a landscaped buffer.

Bicycle circulation was shown as lacking on Trade Zone Boulevard which is not within the project area. Based on measures included as part of the TASP, bicycle circulation would be improved.

Development due to the TASP would generate additional transit trips that existing and planned bus, light rail, and BART transit lines would be able to accommodate. Impacts from development of the project site were also analyzed for the TASP analysis. The proposed project would not cause any additional or more severe impacts to sidewalks, bicycle circulation, or transit services than were identified in the TASP FEIR.

## **APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was

certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## APPLICABLE POLICIES

The proposed project would comply with the following policies.

### TASP Policies

- *Policy 3.12: Preserve adequate right-of-way along Capitol Avenue, Great Mall Parkway, and Montague Expressway to accommodate future regional roadway improvements. Final dimensions of right-of-way acquisition are not yet known. The detailed street sections in Chapter 5 [of the TASP] include notes about right-of-way acquisition, to the extent that information is currently available.*
- *Policy 3.15: Review individual development applications to ensure that adequate street right-of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5 [of the TASP].*
- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.*
- *Policy 3.17: New streets shall be located as generally shown on the Street System Map, Figure 3-2.*
- *Policy 3.18: New development must dedicate land for new public streets and pay for their construction.*
- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.*
- *Policy 3.22: Private development shall provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the TASP]. Gaps exist on Capitol Avenue between Montague Expressway and Trimble Road, and on Trade Zone Boulevard between Montague Expressway and Lundy Place. Capitol Avenue only needs to be re-stripped to add a bike lane. Trade Zone Boulevard generally contains sufficient width to accommodate two travel lanes and bike lanes in each direction; however, the westbound lanes on Trade Zone jog south slightly, so right-of-way acquisition will likely be required to push the curb further north to maintain a consistent section and to add bike lanes. Bike routes should be upgraded to bike lanes as part of any Montague widening project.*

- *Policy 3.29: A Class III bicycle route shall be created on the internal roadways (from the Milpitas Boulevard Extension/Capitol Avenue intersection to Tarob Court) to provide a continuous bicycle connection between Milpitas Boulevard and the existing bicycle lanes on Lundy Street, as indicated on Figure 3-5 [of the TASP].*
- *Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.*
- *Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements.*
- *Policy 6.33: The City shall establish and assess a transportation impact fee program to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.*
- *Policy 6.34: The new traffic impact fee program should include fair-share payments toward the following improvement: At the West Calaveras Boulevard/I-880 northbound ramps, convert the northbound center left turn lane to a shared left-turn/right-turn lane. The City of Milpitas will coordinate with Caltrans to implement this improvement.*
- *Policy 6.35: The new traffic impact fee program should include fair-share payments toward the following improvement: At the intersection of Tasman Drive/McCarthy Boulevard, the southbound (McCarthy Boulevard) shared through/right-turn lane will be converted to an exclusive right-turn lane with overlap signal phasing. The southbound right-turn will have a green arrow and enter the intersection at the same time as the eastbound left-turn movement. Eastbound left-turns will be prohibited. The City of Milpitas will implement this improvement.*
- *Policy 6.36: The new traffic impact fee program should include fair-share payments toward the following improvement: Coordinate the traffic signals at the Tasman Drive / I-880 southbound ramps and the Great Mall Parkway/I-880 northbound ramps with one another as well as adjacent intersections, particularly Tasman Drive/Alder Drive, in order to improve operations in the Great Mall Parkway/Tasman Drive corridor north of the Transit Area. The City of Milpitas will coordinate with Caltrans to implement this improvement.*

## CONCLUSION

The TASP FEIR adequately evaluated the transportation impacts of the 1980 Tarob Court Project. The proposed project would be required to comply with TASP policies related to transportation including the traffic impact fees and City of Milpitas 2008 CFD (TASP area) tax rates. Therefore, the 1980 Tarob Court Project would not create any new transportation impacts.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>Impact with<br>Mitigation | Less Than<br>Significant<br>Impact | No New<br>Impact                    |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>XVII. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:  |                                      |   |                                    |                                     |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Comply with federal, State, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>             | <input type="checkbox"/>                              | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## DISCUSSION:

The TASP FEIR concluded that development associated with implementation of the TASP would result in less-than-significant impacts on utilities and services systems, including water supply, wastewater treatment, stormwater drainage and solid waste disposal. The TASP FEIR anticipates impacts related to additional demand for water, sewer flow capacity, and recycled water lines (Impacts 3.11-1, 3.11-2, 3.11-3, 3.11-4, 3.11-5, and 3.11-6). Policies are included in the TASP that address these impacts and include the installation of additional pipes, water efficiency measures and the purchase of water and sewer treatment capacity as needed. The TASP FEIR also describes how the TASP area is already developed and therefore will require upgrading of existing infrastructure in lieu of adding new infrastructure.

The TASP FEIR describes how the transition from industrial to high density residential in the TASP area will decrease the amount of stormwater runoff. The TASP area would add more landscaping and the amount of impervious surface area over time will actually decrease, resulting in less stormwater runoff in the area. Therefore, implementation of the TASP would not require any storm drain improvements.

The TASP FEIR concluded that there would be a substantial increase in water demand as a result of the build-out of the TASP – average daily demand would be 2.65 mgd in comparison to the City's 2002 Master Water Plan prediction of 1.55 mgd (Impact 3.11-1). This increase in demand for water would require improvements to existing water infrastructure both in the TASP area and affected pressure zones. The capacity of the existing turnout delivering water from the Santa Clara Valley Water District (SCVWD) system could be exceeded during peak hours of demand. As such, an additional 20-inch turnout would be needed to supply the additional water needed to the TASP area which would eliminate the need for any pipeline improvements in the SCVWD pressure zones. The TASP includes additional policies that would ensure that impacts to the provision of water would be less than significant.

The TASP FEIR found that additional allotments of water needed to serve new growth (Impact 3.11-2) would be approximately 1.0 mgd, and that this increase would be offset by the supplies available from the SCVWD. During droughts, the City has the ability to run emergency wells and increase the use of recycled water to offset potable water demand. The TASP includes numerous policies that would provide additional water supply allocations, including the use of recycled water.

The TASP FEIR determined that sewer flow capacity as a result of the build-out of the TASP would exceed the capacity planned for in the City's Sewer Master Plan (Impact 3.11-3) by a total of 2.20 mgd over 2007 conditions. This increased demand for capacity would require extensive improvements to the sewer pipelines within the TASP area. Policies in the TASP would reduce the impact to a less-than-significant level. In addition, the TASP FEIR found that no improvements are needed for the City's Main Pump Station, as wet weather flow is not expected to exceed capacity.

The TASP FEIR found that Citywide cumulative wastewater generation would exceed the City's current Water Pollution Control Plant (WPCP) capacity rights and would be considered cumulatively considerable (Impact 3.11-4). Policies in the TASP are in place that would help meet wastewater treatment capacity demands, including the purchase of additional treatment plant capacity from the cities of San Jose and Santa Clara, the owners of the WPCP. This additional capacity would enable the City to meet the cumulative wastewater treatment demands generated by cumulative growth and development throughout the City, including the net increase in demand attributable to the TASP area. However, the City's need to acquire an additional 1.0 mgd of WPCP capacity is based on the ability to serve all planned growth and development within the City. The need for this additional WPCP capacity will not be triggered until such time in the future when full General Plan build-out and Transit Area TASP build-out is realized.

The TASP FEIR found that the build-out of the TASP would generate approximately 2.20 mgd of additional sewage flows above current levels and, when added to the existing wastewater disposal rate at the WPCP, it would be below the RWQCB trigger threshold of 120 mgd. Therefore the TASP estimated sewage flow would be considered less than significant. However, the RWQCB has specific requirements designed to off-set cumulative regional increases in sewer flows and discharge into the

San Francisco Bay, primarily through water recycling and water conservation. The TASP FEIR concluded that the amount of recycled water demand associated with the TASP is not sufficient to fully offset the increased sewer flows and discharge into the Bay. TASP policies 6.16, 6.17 and 6.20 are designed to reduce this impact to a less-than-significant level.

The TASP FEIR concluded that new mainlines for water recycling would need to be installed and would have a less than significant impact because they would be installed on existing and proposed roads.

The increase in residential density under the TASP would cause an increase in the amount of solid waste generation by approximately 7,400 pounds per day. The TASP FEIR concludes that policies to implement recycling programs as well as solid waste source and reduction programs would reduce the impacts to less than significant. The City is also required to negotiate new agreements to handle long-term solid waste disposal after closure of the Newby landfill in 2023, which would also reduce the impact to a less-than-significant level.

Since the TASP FEIR adequately addresses utilities and service systems, and the development associated with the 1980 Tarob Court Project falls within the development assumptions evaluated in the TASP FEIR, the proposed project has no new impact on utilities and public services. In addition, the 1980 Tarob Project must comply with the Municipal Code requirements and Conditions of Approval identified by the City related to utilities and service systems, including water supply, water easement, sewer, storm drainage, solid waste and property management.

## **APPLICABLE MITIGATION MEASURES**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## **APPLICABLE POLICIES**

The proposed project would comply with the following policies.

### **TASP Policies**

- *Policy 6.9: The City of Milpitas will implement improvements to the Main Sewage Pump Station and the force mains which convey flows to the WPCP in general accordance with those improvements identified in the "Functionality and Operation Report" as prepared for the City by Winzler & Kelly Engineers, November 2005.*
- *Policy 6.10: The City of Milpitas will acquire up to 1.0 mgd of wastewater treatment capacity at the WPCP if necessary. The final amount to be acquired, if any, and the timing of the acquisition will be based on studies of actual usage and the pace of development in the city. The City shall monitor the increase in actual sewage flows and the amount of new development approved on an annual basis to determine when additional capacity is required.*



- *Policy 6.13: Provide water supply for the Transit Area from the Santa Clara Valley Water District per the Water Supply Assessment.*
- *Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping.*
- *Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.*
- *Policy 6.18: Construct recycled water mains along Great Mall Parkway, Capitol Avenue, as Montague Expressway, Sango Court, and into the Piper/Montague subdistrict, as shown in Figure 6-3 [of the TASP].*
- *Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.*
- *Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas. The City shall also require, where reasonable and feasible, that commercial uses, schools and non-residential mixed use developments be provided with dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible.*
- *Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.*
- *Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development in the Transit Area.*
- *Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.*
- *Policy 6.24: Before the expiration of its current waste disposal contract, the City shall negotiate new agreements to handle the long-term disposal of its solid waste past the closure of the Newby Island Sanitary Landfill.*

## CONCLUSION

The TASP FEIR adequately evaluated the utilities and service system impacts of the 1980 Tarob Court Project. In addition, the 1980 Tarob Court Avenue Project must comply with the Municipal Code requirements and Conditions of Approval identified by the City related to utilities and service systems, including water supply, water easement, sewer, storm drainage, solid waste and property management.

## REPORT PREPARATION

### A. REPORT PREPARERS

#### LSA Associates, Inc.

2215 Fifth Street

Berkeley, CA 94710

Judith H. Malamut, AICP, Principal-in-Charge

Theresa Wallace, Associate/Project Manager

Matt Kawashima, Planner

Patty Linder, Graphics/Document Production

Charis Hanshaw, Word Processing

5084 N. Fruit Avenue, Suite 103

Fresno, California 93711

Amy Fischer, Principal, Air Quality and Noise Specialist

Cara Carlucci, Assistant Planner

### B. REFERENCES

Association of Bay Area Governments, 2003. *Projections 2003*.

Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

Berryessa Union School District, 2016. Berryessa Union Elementary SchoolFinder. Website: [www.schfinder.com/berryessaunionsd](http://www.schfinder.com/berryessaunionsd) (accessed April 5, 2016).

Cornerstone Earth Group, 2015. *Preliminary Geotechnical Investigation, 1980 Tarob Court, Milpitas, CA*. June 4.

Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008.

HortScience, Inc., 2015. Tree Inventory, 1980 Tarob Court, Milpitas, CA. August 31.

Milpitas, City of, 2016. Cultural Resources Register. Available online at: [https://www.ci.milpitas.ca.gov/\\_pdfs/plan\\_cultural\\_resources.pdf](https://www.ci.milpitas.ca.gov/_pdfs/plan_cultural_resources.pdf) (accessed on April 1).

Milpitas, City of. Municipal Code, Title X, Street and Sidewalks, Section 7 – Tree Protection and Heritage Tree Program.

Santa Clara County Airport Land Use Commission, 2011. *Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San Jose International Airport, Figure 8: Airport Influence Area*. May 25.

Schaaf & Wheeler Consulting Civil Engineers, 2016. *1980 Tarob Court Flood Study*. March 8.

Schaaf & Wheeler Consulting Civil Engineers, 2016. *Addendum: 1980 Tarob Court Flood Study*. May 6.

Transportation Authority, Santa Clara Valley, 2010. *BART Silicon Valley Environmental Impact Report*. November.

West Environmental Services & Technology, 2015. *Phase I Environmental Site Assessment 1980 Tarob Court Milpitas, California*. June.

Wood Rodgers, Inc., 2016. *Preliminary Stormwater Management Plan for 1980 Tarob Court, Milpitas, CA*. March 1.

Wood Rodgers, Inc., 2016. *Stormwater Management Plan, 1980 Tarob Court, City of Milpitas, Santa Clara County, CA*. March 1.

## **C. COMMUNICATION**

Battle, Marcus, 2016. Associate Superintendent, East Side Union High School District. Written communication with LSA Associates, Inc. March 31.

Gower, Ely, 2016. Account Technician II, Berryessa Union School District. Personal Communication with LSA Associates, Inc. April 5.

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